

Decision No. 15764.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application
of the County of Merced for
authorization permitting the
construction of the highway crossing
over the Central Pacific Railroad on
an avenue in Livingston Realty Com-
pany's Subdivision, Section 25, Twp.
6 S. R. 11 E. M. D. B. & M.

Application No. 11327.

C. H. McCray, District Attorney for
Applicant.
E. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Merced for authority to construct a road crossing at grade over the main line and side tracks of Southern Pacific Company at a point near the easterly limits of the City of Livingston.

At the public hearing which was held before Examiner Satterwhite at Merced on August 28th, 1925, Southern Pacific Company appeared and opposed the granting of this application.

In the vicinity of Livingston the main line track of Southern Pacific Company and the California State Highway are parallel and constructed on adjacent rights of way, the highway lying to the north of the railroad. As is usual when this condition exists, crossings over the track connecting the highway with roads on the opposite side are required at intervals and the crossing requested in this application purports to serve such a public need.

The crossing, if installed, would connect with a dirt

surfaced road which extends south along the quarter-section line three-quarters of a mile. The road is now traveled for its full length but apparently the county has been deeded right of way for some 500 feet only. Grade crossings of other north and south roads are maintained at the section lines one-half mile to the east and the west respectively. The latter is the main street of Livingston and is protected by an automatic flagman. There is also an intermediate crossing that of "C" Street approximately 1100 feet west of the one proposed in the application. This crossing is also one of the chief entrances into the City and is well paved and also protected by an automatic flagman.

The proposed crossing would cross three tracks of Southern Pacific Company and since the railroad tracks are lower than both the highway and the surface of the ground to the south of the railroad, approaches sloping in each direction toward the crossing would be required and the fact that the tracks westward from the proposed crossing are in a through cut several feet in depth tends to obscure the view and would add considerably to the hazard.

The chief purpose of the crossing requested appears to be to furnish a more convenient means of access to the receiving shed of the Sun Maid Raisin Growers Association which is located across the track from the highway just outside of the easterly City Limits of Livingston, and to enable the raisin crop to be moved from the vineyards to this plant with a minimum haul. That portion of the crop which is grown north of the railroad must of necessity be moved across the tracks and while raisins from districts to the north and west of Livingston can be hauled over existing crossings with but slight, if any, inconvenience, it is at present necessary for those growers situated to the eastward to haul their crop along the highway to the "C" Street crossing above described and then

proceed west along "C" street one block before an open route back to the receiving shed is reached. This involves an extra haul of approximately 3000 feet which would be saved if the proposed crossing were installed.

It appears, however, that by using the existing crossing one-half mile to the east thence traveling along a dedicated and traveled road parallel to and on the opposite side of the track from the highway, the receiving scale can be reached by even a shorter route than the proposed crossing would afford. While this road is at present open and traveled, it is not in proper shape for heavy trucking and unless improved would not be used for this purpose.

The crossing would be used principally during the grape harvest season, beginning about September 1st each year and continuing into December. During the balance of the year there would be little, if any, necessity for the crossing as the amount of local traffic that would use the crossing is very insignificant and can be adequately cared for at existing crossings.

The need for this crossing appears, therefore, to be more private than public in its nature. It is true that the plant, to be reached by the crossing, is owned by an association of growers but the primary purpose of the organization is profit to these owners rather than public service and it is the opinion of the Commission that where the sole purpose of a road crossing over railroad tracks is to reach a single industry, a private rather than a public crossing should be installed. In the present case a private crossing, constructed and controlled by the Sun Maid Raisin Growers Association, will serve the growers as well as the public crossing proposed in this application. The gates of such a crossing could and should be kept locked during the seasons that raisins are not being delivered and during the time that the plant is in operation, a watchman should be provided to prevent the use of the crossing by unauthorized persons

and also to act as a flagman in protecting traffic.

The application for a public crossing will therefore be denied.

O R D E R

County of Merced, having applied to the Commission for permission to construct a crossing at grade of an avenue in Livingston Realty Company Subdivision, Section 25, T. 6 S., R. 11 E., M. D. B. & M., across the tracks of Southern Pacific Company, a public hearing having been held, the matter having been duly submitted and now ready for decision, for the reasons stated in the foregoing opinion,

IT IS HEREBY ORDERED, that the above entitled application be and the same is hereby denied.

For all other purposes the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 16th day of December, 1925.

H. P. Brandt

C. A. Leavelle

George D. Squires

Commissioners.