

Decision No. 16710.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of the County of Shasta (Viewers'
Petition) for authority to con-
struct public road across the
tracks of the Southern Pacific
Company at Castle Crag Station.

Application No. 12,016.

Jesse W. Carter, for Applicant.

C. M. Taylor, for Southern Pacific Company.

Karr and Kennedy, for Castle Craig Lumber
Company.

BY THE COMMISSION:

O P I N I O N

In this application, which is filed in the form of a certified copy of a petition to appoint viewers for a new road and of the order of the Board of Supervisors of Shasta County, appointing said viewers, as prescribed in Section 2697 of the Political Code of the State of California, the County of Shasta, requests authority to construct a public road at grade across the tracks of Southern Pacific at Castle Craig Station.

A public hearing was held in the rooms of the Board of Supervisors at Redding on March 3rd, 1926, before Examiner Austin.

Castle Crag is a flag station primarily serving a summer resort in the Sacramento River Canyon a few miles below Duns-
muir. At this point both the railroad and the State Highway are constructed on the west side of the river, this railroad lying between the Highway and the river. On the opposite bank is lo-

cated the summer resort referred to as well as two or three farm houses. A county road, which leaves the main highway and crosses the tracks at Castle Rock Springs three miles below Castle Crag, follows the east bank of the river and serves these farm houses and also passes through the resort. This road recrosses the river and the tracks at a point one and a quarter miles above Castle Crag and again enters the Highway just south of the Siskiyou County Line. However, the bridge at this upper crossing has been washed out and it is the intention of the County to abandon this portion of the road to avoid replacing the old bridge. It is proposed to open a new connection to the State Highway in the vicinity of Castle Crag Station. It is the crossing of this new road over Southern Pacific Company tracks and right-of-way which is the subject of the present application.

At the present time there is a private road belonging to the Castle Crag Lumber Company which in a general way follows the route of the proposed connection crossing the tracks over a private crossing which the railroad is obliged to provide under the terms of an old agreement with the lumber company. This private crossing is located about seven hundred feet north of the proposed crossing, crosses three tracks and because of its steep grades of approach and obscured visibility, presents considerable hazard to vehicular traffic using it. This private road offers the most convenient outlet to the State Highway from the resort on the east side of the river and since during the vacation season from two to three hundred persons stop at the hotel or occupy the adjacent cottages, it carries a traffic during the summer months which is estimated at about a hundred vehicles per day.

It is proposed that the County take over and maintain as

a public road portions of this private road, including the bridge over the Sacramento River, and the lumber company has stipulated that if this is done it will abandon the remaining portion of the road, including the crossing over the railroad tracks. A more suitable point for a grade crossing is available near the west switch of the Castle Crag passing track. At this point approaches which are level and at right angles to the tracks for a distance of at least fifty (50) feet can be obtained and the visibility is superior to that at the private crossing. If the crossing is constructed the brush and small trees which are between the track and the proposed road on the west side of the right-of-way, should be removed and care taken that the rapid growing willows adjacent to the track are kept cut back.

While the proposed location is at present west of the west switch of the passing track and would require the crossing of but one track, it appears that the railroad company has under consideration an extension of its passing track to facilitate operation of longer trains and when this extension is made the proposed road will cross two tracks instead of one. Southern Pacific Company also requests that the location of the crossing be slightly changed to permit its longest train occupying the extended passing track without blocking the crossing. It appears proper that this change in location should be made.

While grade crossings with passing tracks are objectionable, the hazard in the present case does not appear very great and since the new crossing is even in this respect superior to the private crossing which the public is now using, we believe the application should be granted, even if the crossing of two tracks may eventually become necessary. Nothing in this decision, however, should be construed as granting permission to the railroad to construct its passing track at grade across the road location

herein authorized.

As the old County Road north of Castle Crag is to be abandoned as far as the river crossing and the remaining portion serves only two property owners between the railroad and the river, it was recommended that the crossing of this road with the railroad tracks be abandoned as a public crossing and that gates be installed at the right-of-way line restricting its use to the two land owners above noted. The County stated that it had no objection to such procedure and the order will so provide.

O R D E R

The Board of Supervisors of Shasta County, having filed with this Commission, under the provisions of Section 2694 of the Political Code of California, a certified copy of a petition of freeholders of said County for the construction of a certain road, which road crosses the track and right-of-way of Southern Pacific Company in the vicinity of Castle Crag Station, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Shasta, State of California, to construct a public road at grade across the track of Southern Pacific at Castle Crag Station in Section 11, Township 38 North, Range 4 West, M.D.B. & M., at approximately Engineers Station 7180+80 on the railroad, and as shown by the map (Survey of Road at Castle Crag, dated November 1925-March 1926) filed by the applicant subsequent to the hearing, said crossing to be constructed subject to the following conditions, namely:

- (1) The entire expense of constructing the crossing shall

be borne by applicant. The cost of maintenance of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than one (1) per cent; shall be constructed substantially in accordance with Standard No. 2-A as specified in General Order No. 72 of this Commission; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Trees and brush on the westerly side of said railroad tracks between the track and the road for a distance of two hundred and fifty (250) feet northerly from said crossing shall be removed.

(4) The existing public crossing of a county road at Engineers Station 7344+98 on the railroad shall be legally abandoned and closed to public use and travel. Its use as a private crossing shall, however, be permitted if protected by farm gates which shall be kept closed at all times except when in actual use by the private interests entitled to use said private crossing.

(5) The existing private crossing located approximately seven hundred (700) feet northerly from the crossing herein authorized shall be abandoned and effectively closed.

(6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(7) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of

May, 1926.

H. B. Burdige

P. C. Sawyer

Leon Whitely

Commissioners.