

Decision No. 16957.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of the County of Tulare for permission to construct public highway over railroad of the Southern Pacific Company and the Southern Pacific Railroad Co. on a line 448.3 ft. East of West line of Sec. 30, Tp. 18 South, Range 25 East, M.D.B. & M., near Visalia.

ORIGINAL

Application No. 12,749.

W. C. Haight, Assistant District Attorney, and Frank Lambersen, Deputy District Attorney for Applicant.

E. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of Tulare seeks authority to establish a public crossing at grade across the Visalia-Coshen branch of the Southern Pacific Company at a point about one-eighth (1/8) of a mile west of the westerly city limits of Visalia.

A public hearing was held on this proceeding at Visalia on May 27, 1926, before Examiner Austin.

The crossing under consideration is located on a north and south road running through a subdivision known as Visalia Garden Farms, which is adjacent to the City of Visalia. This road connects the east and west road running along the north lines of Sections 25 and 30, Township 18 South, Range 25 East with the old main highway between Coshen and Visalia, known as the old Coshen road, which lies adjacent to the southerly right of way line of the Southern Pacific Company. This highway continues parallel to the

railroad to a point about one-eighth (1/8) of a mile west of the center of Section 30 in the City of Visalia where it crosses the tracks and proceeds in an easterly direction. This crossing is the nearest public crossing east of the one applied for and is approximately 1450 feet distant therefrom. The nearest public crossing to the west of the crossing proposed to be opened is located on the west line of Section 25 and is 5834 feet distant. There are private crossings 772 feet east of and 3760 feet west of the proposed crossing.

None of the crossings mentioned could reasonably be used in lieu of the crossing proposed in this application as a means of connecting the Garden Farms Subdivision with the City of Visalia. The road along the north line of Sections 25 and 30 connects with streets leading into the City of Visalia but only by a circuitous route involving approximately a mile more additional travel than the route afforded by the crossing under consideration.

There are eight houses in the Visalia Garden Farms Subdivision and the California Petroleum Company's main distributing station for Tulare County is located on Lot 9 at the northeast corner of the crossing.

It appears from the evidence that there has been an open private crossing at this location for a number of years and that the railroad company recently fenced its right of way in this vicinity and declared its intention of installing gates on the crossing. The crossing at the present time is equipped with private property signs.

Testimony shows that the traffic on this branch line railroad and on the old Goshen road are both light. There are four passenger and two local freight movements at relatively slow speed over the railroad. A traffic check taken by the Southern Pacific Company on April 22, 1926, from 2:30 P.M. to 7:00 P.M.

shows 41 movements passing along the highway over the proposed crossing. This traffic was distributed as follows:

	<u>Autos</u>	<u>Trucks</u>	<u>Pedestrians</u>	<u>Miscellaneous</u>
2:30 to 5:00 P.M.	8	5	3	1 horse drawn
5:00 to 7:00 P.M.	16	4	2	2 bicycles

Four photographs submitted by Southern Pacific Company as Exhibit No. 2 show that there are no obstructions to the view at this crossing except for slight obstruction caused by small buildings in the distributing station of the Oil Company.

From a consideration of all of the evidence, it appears that this application should be granted and it will be so ordered.

#### O R D E R

County of Tulare having made application for permission to construct a public highway at grade across the tracks of the Southern Pacific Company on a line 448.3 feet East of the West line of Section 30, Township 18 South, Range 25 East, M.D.B. & M. near Visalia, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the establishment of a public crossing at grade at the point above indicated, therefore;

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Tulare, State of California, to construct a public road at grade across the tracks of Southern Pacific Company as follows:

Commencing 448.3 feet East and 2232.9 feet South of the Northwest corner of section 30, in Township 18 South, Range 25 East, Mount Diablo Base and Meridian, and running thence South 77 degrees, 30 minutes East, 25.71 feet;

thence South 102.84 feet; thence North 77 degrees, 30 minutes West, 51.42 feet; thence North 102.84 feet and thence South 77 degrees, 30 minutes West, 25.71 feet to the point of beginning,

and as shown by the maps (Exhibits "A" and "B") attached to the application, 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 (20) feet and at an angle of approximately seventy-seven (77) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

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

(4) 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.

(5) 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 on the date hereof.

Dated at San Francisco, California, this 19<sup>th</sup> day of June, 1926.

H. B. Ross

C. A. Seavey

E. W. Gentry

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Commissioners.