

Decision No. 16998.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the COUNTY OF TULARE for permission to construct a crossing of a public highway over a railroad of the Southern Pacific Company and the Southern Pacific Railroad Company, on the North line of the Southwest quarter of Section 22, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, near the station of Tagus.

ORIGINAL

Application No. 12,711.

W. C. Haight, Assistant District Attorney, and
Frank Lamberson, Deputy District Attorney
for County of Tulare.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the County of Tulare seeks authority to construct a public crossing across the tracks of the Southern Pacific Company's Valley main line between San Francisco and Los Angeles on the center line of Section 22, T. 19 S., R. 24 E., M.D.B. & M.

A public hearing was held on this application at Visalia on May 27, 1926, before Examiner Austin at which time the matter was submitted.

The railroad right-of-way runs northwesterly and southeasterly through the westerly half of Section 22, curving toward the

south at the southerly half of the section. The State Highway parallels the railroad along its easterly right-of-way line. Section 22 is entirely bounded by County roads except along the southerly line of the southwest quarter where a half mile of road has not been constructed on account of the meanderings of Cameron Creek along this piece of section line. The County road, known as "Liberty Road", along the north line of Section 22, does not extend to the west of Section 22 but it does extend east for several miles. Liberty School is located three miles east of the railroad on this road. The County road along the west side of Section 22 leads into the State Highway at the crossing at the north section line of Section 22. It extends south for several miles and leads into nearby east and west roads along the center line of Sections 20 and 21 and along the southerly line of these same two sections. It is proposed to extend the road through the center of these two sections in an easterly direction to connect with the proposed crossing, there being no road along the center of the westerly half of Section 22 at the present time.

The Enterprise School is located about one and one-half miles west of the railroad on the southerly side of the County road running west along the south lines of Sections 20 and 21. The nearest public crossings to the crossing applied for are located on the north line of Section 22, approximately one-half mile distant and on the south line of Section 27 approximately one and one-half miles distant.

The view in the vicinity of the proposed crossing is open except for an abandoned nursery of black walnut trees west of the crossing. Most of these trees lie within the limits of the proposed County road and all could be removed with little trouble in case this crossing were opened. Grades

of approach of three per cent could be established on the proposed crossing.

The railroad operates six passenger and from six to twelve freight trains daily over this track at maximum speeds of fifty miles per hour for the passenger and thirty-five miles per hour for the freight trains.

Exhibit "B" attached to the application shows that the crossing hereinbefore mentioned as being on the north line of Section 22 and locally known as the "Tagus Switch Crossing", is to be abandoned. However, the applicant stated that this exhibit was in error and the application was amended at the hearing to omit the abandonment of this crossing. The Southern Pacific Company offered no objection to the proposed crossing, providing the Tagus Switch Crossing were closed.

However, a number of residents of this vicinity testified that they preferred to use the Tagus Switch Crossing and the road along the west line of Section 22 as this road offers less hazard than the State Highway to children who travel it to reach the Enterprise School. It was also contended by these residents that it was much more convenient to drive stock along this County road than along the State Highway and that there was no local necessity for the crossing applied for.

A representative of the Tagus ranch properties testified that the holdings of this ranch ran into the triangle formed by the railroad in the westerly half of Section 22 and that the proposed crossing would be used by the ranch in trucking produce on the highway to Tagus Switch. It was stated that the closing of the Tagus Switch Crossing would save cutting trains at Tagus and would divert traffic from the three-track crossing at this location to the single track crossing at the site proposed.

Considering all the testimony in this record, it appears that there is little, if any public need for two grade crossings in this immediate vicinity and that the existing crossing on the north line of Section 22 more adequately serves the public convenience and necessity than the crossing proposed. This application therefore should be denied and it will be so ordered.

O R D E R

The County of Tulare, having made application to this Commission for permission to construct a County road at grade across the tracks of the Southern Pacific Company on the east and west center line of Section 22, T. 19 S., Range 24 E., M.D.B. & M., 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 hereby is denied without prejudice.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 25th day of June, 1926.

H. B. ...

C. ...

E. ...

Commissioners.