

ORIGINAL

Decision No. 17034.

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 Section 5, Town-
ship 23 South, Range 25 East, Mt.
Diablo Base and Meridian, at Pixley.

Application No. 12542.

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

The crossing applied for in this application by the
County of Tulare is located near the southerly town limits of the
Town of Pixley and is on the north line of Section 5, T. 23 S.,
Range 25 E. M.D.B & M. This crossing has been before this Com-
mission previously in Application No. 5677, which was filed May 11,
1920, and dismissed at request of applicant on March 1, 1921
(Decision No. 8673.)

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

The County road on which the proposed crossing is located
runs in an east and west direction for a distance of approximately
thirty miles extending from the station of Spa on the Santa Fe
on the west to the mountains east of Terra Bella. All east and
west traffic on this road at the present time must detour by turning

north at the State Highway to B Street in Pixley where it crosses the railroad and thence turns south along Market Street on the west side of the tracks to the latter's connection with the County road where it again turns west. This line of travel is inconvenient to the public and is particularly inconvenient in that it requires the driving of stock along the State Highway. Stock corrals are located on the southwest corner of the proposed crossing, having been moved there about two years ago from the east side of the railroad near the center of town. A cotton gin is located on the northwest corner of the crossing. These two structures obstruct the view of the railroad track on approaching the crossing from the west when near the track but the distant view of the railroad when west of these structures is open.

It was testified by witness for applicant that the view of the track at the "B" Street crossing in Pixley is blocked on the east side by the depot which is closer to the main track than either the cotton gin or the stock corral. It was pointed out by applicant that the existing crossing at "B" Street could be closed if the crossing applied for were constructed. Applicant claims that this would be an advantage to the Railroad Company as it would do away with the necessity of cutting trains at the "B" Street crossing which, over a long period of time, would result in a considerable saving.

The Railroad Company operates six passenger trains and from six to twelve freight trains, according to the season, over this main line track. A traffic count of highway travel taken April 28, 1926, by the railroad company between the hours of 8:30 A.M. and 8:30 P.M. shows 191 movements over the "B" Street crossing. During the harvest season this number would probably be considerably increased.

It would appear from the record that this application should

be granted provided the crossing at B Street be closed and it will be so ordered.

The apportionment of cost in installing this crossing yet remains to be decided. It will be necessary in this case to move the switch of the siding which extends thirteen feet south of the crossing at its present location. In this connection it will also be necessary to move the two block signals about sixty feet south of the crossing. It will also be necessary to move two tool houses located on the east side of the railroad within the intersection of the County road and the railroad right of way.

The applicant takes the position that the Railroad Company should pay part of the cost of moving these structures as an exchange for the relief of cutting the trains at the B Street crossing and for the abolishment of that crossing.

It appears to the Commission that the Railroad Company as well as applicant will benefit by the opening of the new crossing on the section line and by the closing of the crossing at B Street and therefore that it would be reasonable to assess one-half of the cost of moving the railroad facilities and constructing the crossing to the Railroad Company, the remaining costs including the entire cost of installing an automatic flagman to be assessed to the applicant.

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 the north line of Section 5, Township 23 South, Range 25 East, M.D.B. & M., near Pixley, 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 at a point on the north line of Section 5, in Township 23 South, Range 25 East, Mt. Diablo Base and Meridian, 571 feet east of the north quarter corner of said Section 5; thence north $15^{\circ} 28'$ west 25.9 feet; thence east 103.8 feet; thence south $15^{\circ} 28'$ east 51.9 feet; thence west 103.8 feet; thence north $15^{\circ} 28'$ east 25.9 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 and of moving the necessary railroad facilities shall be borne fifty (50) per cent by applicant and fifty (50) per cent by the Southern Pacific Company. 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 approximately seventy-five (75) 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. 3 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) An automatic flagman shall be installed and maintained for the protection of said crossing. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission. Cost of installing said automatic flagman shall be borne by applicant, County of Tulare. Cost of maintaining said automatic flagman shall be borne by Southern Pacific Company.

(4) The existing public crossing of "B" Street located 637 feet more or less north of the crossing herein authorized shall be legally abandoned and effectively closed to public use and travel.

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

(6) If said crossing shall not have been installed within one (1) 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.

(7) 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 24 day of

July
~~June~~, 1926.

H. B. ...
C. ...
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