

Decision No. 17284

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the  
COUNTY OF TULARE for permission to con-  
struct a crossing of a public highway  
over a railroad of the Southern Pacific  
Company and the Southern Pacific Rail-  
road Company, on the North line of the  
South half of Section 1, in Township 18  
South, Range 25 East, Mt. Diablo Base  
and Meridian, at the station of Ivanhoe.

ORIGINAL

Application No. 12594.

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

H. W. Hobbs, for Southern Pacific Company.

Fred G. Kline, for certain residents of Ivanhoe.

J. J. Deuel, for California Farm Bureau Federation.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Tulare in which permission is sought to construct a county road across the Fresno Branch of the Southern Pacific Company on the north line of the South half of Section 1, T. 18 S., R. 25 E., M. D. B. & M., near the station of Ivanhoe. A public hearing on this proceeding was held in Visalia on May 27th, 1926, before Examiner Austin, at which time the matter was submitted.

The crossing applied for herein was before the Commission in Application No. 7398 and in its Decision No. 10486 authority to construct the crossing was granted, providing the existing crossing 2,868 feet southerly thereof was abandoned and closed to public travel. Physical conditions surrounding this crossing and the road layout in this vicinity are practically as described in Decision

No. 10486, of May 22nd, 1922. There is, in addition to the roads considered in that decision, a north and south dedicated county road along the easterly line of the southerly half of Section 2, which, however, has not as yet been constructed.

At the hearing the applicant, upon suggestion of the Engineering Department of the Commission, amended its application so as to cover a request for crossing at right angles to the railroad instead of east and west along the section line, in order that the crossing might be more easily approached from the north and south roads at this intersection. Amended Exhibit "A", describing this right-angled crossing, to which Southern Pacific Company signified its approval, was filed with the Commission by the County on June 9th, 1926.

Since the former decision was rendered, the Ivanhoe School has been located on the north side of the east and west road on which the proposed crossing is located, at a point about one-half mile east of the crossing. The proposed crossing is thus a direct connection for the school children living west of the crossing and the school to the east thereof.

The Southern Pacific does not oppose the opening of this crossing, providing the existing crossing on the county highway running east and west along the south line of Sections 1 and 2 be closed to public travel. Residents of this vicinity objected to the closing of this crossing, as this east and west road is a main county road and could not be closed without considerable inconvenience. It appears, however, that a connection along the southwest side of the railroad between this east and west road and the paved north and south county highway through the center of Section 12 would allow traffic moving along these two roads from east to south and north to west to pass from one road to the other without crossing the railroad twice as is now done under existing conditions, due to these two roads intersecting just east of the rail-

road track. It is recommended that the county investigate and give consideration to the establishment of such a connection.

The record in this proceeding shows, as did the record taken in connection with Application No. 7398, that the crossings in the vicinity of Ivanhoe are not properly spaced, there being four crossings in a distance of a little more than one-half mile. However, the nearest public crossing at Ivanhoe is 2868 feet from the crossing applied for in this proceeding and it would appear that the closing or re-arranging of any of the three public crossings, which are spaced within a distance of about 1000 feet, should more properly be considered under some other procedure.

The crossing at Main Street was granted by the Commission under Decision No. 928, Application No. 720, in 1913. It would appear that this proceeding is the one under which the spacing of crossings at Ivanhoe should be considered.

Preparations are being made to construct a packing house on the southwesterly side of the railroad adjacent to the private crossing about 1150 feet north of the Main Street crossing. Southern Pacific Company should see that the gates are maintained on this private crossing and that the crossing is not allowed to be opened to the general public unless so ordered by this Commission after filing of formal application by the County.

Considering all of the evidence in this proceeding, it appears to the Commission that this application should be granted without restrictions as to the other crossings at Ivanhoe.

#### O R D E R

County of Tulare, having made application to this Commission for permission to construct a public road at grade across the tracks of the Southern Pacific Company, at the North line of the South half of Section 1, in Township 18 South, Range 25 East, M. D. B. & M., a public hearing having been held, the matter having been

duly submitted and now 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 the Southern Pacific Company, as follows:

PARCEL "A" - Commencing at a point 34.27 feet west of the W.  $\frac{1}{4}$  corner of Section 1, T. 18 S., R. 25 E., M.D.B. & M., thence N.  $43^{\circ} 32'$  W. 6.39 feet, thence N.  $46^{\circ} 23'$  E. 100.0 feet, thence S.  $43^{\circ} 32'$  E. 60 feet, thence S.  $46^{\circ} 28'$  W. 100.0 feet, thence N.  $43^{\circ} 32'$  W. 53.61 feet to the point of commencement. PARCEL "B" - Commencing at a point 34.27 feet west and N.  $43^{\circ} 32'$  W. 6.39 feet, of the W.  $\frac{1}{4}$  corner of Section 1, T. 18 S., R. 25 E., M.D.B. & M., thence N.  $43^{\circ} 32'$  W. 21.20 feet, thence east 30.78 feet, thence S.  $46^{\circ} 28'$  W. 22.31 feet to the point of commencement. PARCEL "C" - Commencing at a point 103.67 feet east of the W.  $\frac{1}{4}$  corner of Section 1, T. 18 S., R. 25 E., M.D.B. & M., thence east 68.97 feet, thence S.  $43^{\circ} 32'$  E. 34.48 feet, thence west 68.97 feet, thence N.  $43^{\circ} 32'$  W. 34.48 feet to the point of commencement. PARCEL "D" - Commencing at a point 36.07 feet south of the W.  $\frac{1}{4}$  corner of Section 1, T. 18 S., R. 25 E., M.D.B. & M.; thence N.  $43^{\circ} 32'$  W. 3.86 feet, thence S. 145.18 feet, thence S.  $43^{\circ} 32'$  E. 29.0 feet, thence north 179.91 feet, thence S.  $46^{\circ} 28'$  W. 23.92 feet to the point of commencement;

and as shown by the maps (Exhibits "A" (Amended) and "B") submitted by applicant, 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 the 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 the 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 four (4) 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 27<sup>th</sup> day of August, 1926.

H. B. Brundage  
Chairman

Thos. D. Rountree

Commissioners.