

Decision No. 17855**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 County of Merced for authorization per-)
 mitting the construction of the highway)
 crossing over the Central Pacific Rail-)
 road on an avenue in Hunter Colony, Sec-)
 tion 32, Twp. 6 S. R. 12 E. M.D.B. & M.)

Application No. 12432.

C. H. McCray, District Attorney, for Merced County.

Wm. Riseden, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Merced for a public road crossing at grade over the track of the Southern Pacific Company in the vicinity of Arena Station. A public hearing was held in the matter on October 1st, 1926, before Examiner Austin at Merced. Southern Pacific Company, for reasons which appear later, did not oppose the granting of the application.

The railroad in this vicinity runs in a general northwesterly and southeasterly direction, crossing the east and west section lines at an angle of about 30 degrees. As is common in this valley territory, the state highway is constructed parallel to and adjacent to the railroad right-of-way, in this case being on the northerly side thereof. The crossing applied for is on a projected north and south road through the center of the northwest quarter of Section 32, Township 6 South, Range 12 East, M.D.B. & M. and is distant a little over one-quarter of a mile northwesterly along the railroad from an existing north and south road along the half-section line of this section which crosses the tracks at what is known as

Arena Crossing. There is also a crossing about one-half mile northwest of the crossing applied for on an east and west road, known as Nixon Road, the extension of this road forming the northerly boundary of the above section. The north and south road leading to the Arena Crossing and the crossing herein applied for are connected by another east and west road through the center of the section on the southerly side of the railroad and it is feasible for residents along this road to reach either of the above crossings by existing roads. The proposed road would connect this latter east and west road with the State Highway.

The proposed road and crossing would probably be some convenience to the owner of the land through which the road would be opened but his property already fronts on two public roads, one of which is paved. The new road, therefore, is in no way necessary to him, although it would shorten the distance from his actual residence to the main highway. It might also offer a shorter route to the paved state highway for a limited number of other property owners living directly south of the proposed crossing. It is contended that approximately eighty per cent of the children attending the Arena School live south of the railroad track and as the school building itself is some distance north of the track, these children are, therefore, forced to cross the railroad and the State Highway at the Arena Crossing, whereas if the new crossing were opened, a considerable number of these children could use it and then proceed along the State Highway to Arena, where the road connecting with the school intersects the highway. The distance that most of these children would have to travel to avail themselves of the new crossing would be greater than they now travel to use the Arena Crossing. We see little merit in the above argument, in fact it appears somewhat irrational to hold that there is more hazard involved in school children crossing the tracks at a crossing protected by a wig-wag, as is the Arena Crossing, and then proceeding across the highway at

a fairly important intersection, than there would be in crossing the same track at a crossing which would probably not have the protection of a wig-wag and then being required to walk or otherwise proceed for a distance of a quarter mile along a main traveled high-speed highway to the same intersection. It is claimed that the view is obscured at the Arena Crossing but it appears that it is also poor at the proposed crossing and if the buildings and packing sheds are constructed, which, according to the record, are contemplated, the view conditions at the new crossing would be worse.

The Southern Pacific Company's station reservation at Arena consists of a tract of land some 175 feet in width, extending from Arena Road to the site of the proposed crossing and on the opposite side of the track from the highway. The railroad company has under consideration the future development of this tract for industrial sites by the construction of tracks and of a driveway connecting the two roads. When this is done, the crossing applied for would furnish a convenient westerly entrance to their property from the highway. The present industrial development at Arena has not, however, reached a stage where additional access is needed, as there is but one industry requiring track service and that is apparently adequately served by both railway and road facilities. There are prospects that some other industries may locate on this property, one of which is the much discussed cotton gin, on which testimony has been presented to the Commission in support of at least two other applications for grade crossings at other locations in this county.

It is apparent from the record in this proceeding that the primary reason for this crossing is to serve the station reservation of the Southern Pacific Company. The Chairman of the Board of Supervisors of Merced County, in whose district the crossing is located, also emphatically stated that in his opinion the Southern Pacific Company should bear the entire expense of installing the crossing,

basing his statement, we presume, on the ground that it would be the chief beneficiary. He later qualified this answer by saying that possibly one-half of the use of the crossing would be by the general public for other purposes than gaining access to railroad property.

After due consideration, we fail to see wherein there is any public necessity for an additional crossing at this point or even in this vicinity and the present application will be denied in the following order.

O R D E R

The Board of Supervisors of the County of Merced, State of California, having made application for authority to construct a public road at grade across the track of Central Pacific Railroad Company (operated by Southern Pacific Company) in the Town of Arena, 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 the above entitled application be and it is hereby denied without prejudice.

Dated at San Francisco, California, this 10th day of

January, 1927.

H. R. ...
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Commissioners.