

Decision No. 18790

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the matter of the application of the Board of Supervisors of Shasta County for permission to construct grade crossing over right-of-way of the Southern Pacific Railroad at what is known as the Southwest corner of Lot 7 of the Anderson Valley Farms.

Application No. 13637.

Mr. C. F. Mauß, County Surveyor, for County of Shasta.

Mr. G. M. Taylor, for Southern Pacific Company.

WHITSELL, COMMISSIONER:

O P I N I O N

This is an application filed by the County of Shasta, requesting authority to construct a crossing at grade over the tracks of Southern Pacific Company in the vicinity of Anderson. Public hearing was held at Redding on June 3rd, 1927, at which time the matter was submitted.

The railroad involved is Southern Pacific Company's Shasta Route, which extends in a general northwesterly and southeasterly direction in this vicinity. A paved state highway is located adjacent to and along the southwesterly side of the railroad right-of-way while the Sacramento River is located to the southeast of the track. Between the railroad and the river there is a tract of land some three or four hundred acres in extent, which has been sub-divided and is known as the Anderson Valley Farms. This subdivision is at present partially settled, the record showing that at present there are ten land owners who have occasion to cross the track to reach their property. The only means of access over the railroad now available is by way of a private crossing located at the

site of the proposed public crossing requested in this application. The nearest public crossing to the southeast is two miles distant, while to the northwest the nearest public crossing is two and one-half miles and in order to reach either of these crossings from the Anderson Valley Farms, it would be necessary to acquire a right-of-way and construct some two miles of roadway. To reach the more northerly crossing would also require the construction of a bridge over a waterway known as China Slough. The Sacramento River forms a barrier to an outlet from this property to the east.

There is no serious impairment to the view at the site of the proposed crossing, a clear view of several miles to the southeast being available, and the view is open for about one-quarter mile to the northwest, at which point the track curves to the north. There are a few trees along the easterly right-of-way line which will be removed when certain road improvements, which are proposed in connection with the crossing, are carried out.

The normal train movements over the track in this vicinity are four passenger trains each way daily and from six to eight freight trains, the maximum speed being about fifty miles per hour for passenger trains and thirty-five miles per hour for freight trains. It appears that the amount of vehicular traffic over the crossing would not be very large, probably not over twenty movements per day, including the school bus.

There is a travelled way along the easterly right-of-way line connecting with the existing private crossing and the property owners have offered to deed to the County the necessary property for making this a permanent public road. If this is done, all the lots in the subdivision would have access to the proposed crossing over public roads. If, on the other hand, the proposed public road and crossing are not opened, private crossings would be a necessity for each land owner fronting on the railroad. It would therefore appear that one public crossing, properly constructed and protected, would

be far preferable to several private crossings.

I believe that this application should be granted with the condition that the County accept the deeds for the proposed public road along the easterly side of the railroad right-of-way and thereafter construct and maintain a county road thereon.

The following form of order is recommended:

O R D E R

The Board of Supervisors of the County of Shasta, State of California, having filed the above entitled application with this Commission on the 25th day of March, 1927, asking for authority to construct a public road at grade across the track of Southern Pacific Company, in the vicinity of Anderson, 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 FOUND AS A FACT that public convenience and necessity require the establishment of a public crossing at grade at the point indicated herein, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Shasta, State of California, to construct a public road at grade across the track of Southern Pacific Company at the location shown by the map (Exhibit No. 2) filed at the hearing on June 3rd, 1927.

The above crossing shall be identified as Crossing No. C-252.1.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion 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 ninety (90) degrees to the railroad and with grades of approach not greater than three (3) 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 accept for road purposes a strip of land forty (40) feet in width, parallel and adjacent to the easterly line of Southern Pacific Company's right-of-way from the southerly line of Lot 2, Anderson Valley Farms to the northerly line of the Wm. Stannard tract, as shown on Exhibit No. 2 and described in the Viewers' Petition attached to the application.

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

(5) 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.

(6) 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 conven-

ience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day  
~~of August,~~ <sup>September</sup> 1927.

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*Chas. J. ...*  
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*Leon ...*  
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*Thos. ...*  
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*M. J. ...*  
Commissioners.