

Decision No. 19111

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the applica- tion of the County of Madera for a Highway Crossing.)) Application No. 13679.))
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Mason A. Bailey, District Attorney,
for Applicant.

E. E. Ball and W. F. Brooks, for The
Atchison, Topeka and Santa Fe
Railway Company.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In this proceeding the County of Madera requests per-
mission to construct the east and west County Road between Sec-
tions Nineteen (19) and Thirty (30) in Township Nine (9) South,
Range Seventeen (17) East, M.D.B. & M., in Madera County, at grade
across the main line of The Atchison, Topeka and Santa Fe Railway
Company.

A public hearing was held in this matter before Examiner
Satterwhite in Madera on November 8th, 1927.

Madera County has constructed a County Road running due
east from the Town of Chowchilla for the purpose of making a direct
road to that town for the farmers living in the Medano District,
Chowchilla being their nearest trading point and Post Office. Fur-
thermore, this road will make a connection with the Raymond-Yosemite
Valley Road.

The Medano District, located northeast of the railroad
and adjacent to the proposed crossing, at present has no direct
public road outlet to Chowchilla. A crossing now exists about nine

hundred (900) feet northeast of the proposed crossing but is lightly used, largely on account of the fact that private property must be crossed to reach a public road. At Berenda Slough, about one mile northeast of the proposed crossing, the public crosses under the railroad through a trestle; during the dry season, to reach this crossing, however, it requires traveling over private property. During the rainy season the slough carries a considerable amount of water and this undergrade crossing cannot be used.

The only means of reaching Chowchilla from the Medano District by public road is by traveling south two miles to Sharon Road, which crosses the railroad at a point about 2500 feet southwest of the proposed crossing, thence west and northerly to Chowchilla. This route is several miles longer than the route upon which the proposed crossing is located. It is evident that the installation of the proposed crossing is a necessity and would afford a convenience to the traveling public, particularly those residing in the Medano District.

The only evidence introduced to oppose the granting of this application was that afforded by the railroad, contending that the existing crossings afford reasonable access to the public over the railroad but admitting that with only the existing crossings, considerable traffic is required to follow circuitous routes.

The view of approaching trains at the proposed crossing is unobstructed for a mile and more in either direction. The railroad normally operates six passenger trains and several freight trains over this track per day and it appears that at the present time no special protection will be necessary. The County, through its witnesses, signified that it is agreeable to the closing of the crossing located about 900 feet northeast of the one proposed herein. It appears that the crossing is needed to accommodate not only the ordinary vehicular traffic, but also the movement of combined harvesters during the grain season. These implements are approximately fifty feet wide and it is the applicant's desire to have the crossing constructed sixty feet wide in order to accommodate them.

The following form of order is recommended:

O R D E R

The Board of Supervisors of Madera County, having made application for permission to construct a public highway at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, between Sections 19 and 30, T. 9 S., R. 17 E., M.D.B. & M., 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 permission and authority be and it is hereby granted to the Board of Supervisors of the County of Madera, State of California, to construct an east and west public road between Sections 19 and 30, Township 9 South, Range 17 East, M.D.B. & M., at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, as shown by the map attached to the application.

The above crossing shall be identified as Crossing No. 2-1032.3.

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 outside of 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 Atchison, Topeka and Santa Fe Railway 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 Atchison, Topeka and Santa Fe Railway Company.

(2) The crossing shall be constructed of a width of sixty

(60) feet and at an angle of sixty (60) 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) The existing publicly used crossing, located about nine hundred (900) feet northeast of the crossing herein authorized, shall be legally abandoned insofar as the County of Madera has power so to do and shall be effectively closed to public use and travel when the crossing authorized herein is opened to public travel.

(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 convenience and necessity demand such action.

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

Dated at San Francisco, California, this 10th day of December, 1927.

[Signature]
[Signature]

[Signature]

[Signature]
Commissioners.