

Decision No. 20380

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
OAKDALE IRRIGATION DISTRICT, SOUTH)
SAN JOAQUIN IRRIGATION DISTRICT and) Application No. 14410
SIERRA RAILWAY COMPANY for permanent)
grade railroad crossing over State)
Highway.)

P. H. Griffin, for Oakdale Irrigation District,
Applicant.

Harry Mc Clellan, Attorney, Division of Highways,
Department of Public Works, State of California.

R. E. Pierce, District Engineer, District 10,
Division of Highways, Department of Public Works,
State of California.

Fletcher G. Flaherty, for Sierra Railway Company
of California, Applicant.

Nutter, Hancock and Rutherford, by John Hancock,
for South San Joaquin Irrigation District, Applicant.

BY THE COMMISSION -

O P I N I O N

Oakdale Irrigation District, South San Joaquin Irrigation District, and Sierra Railway Company of California have petitioned the Railroad Commission for an order authorizing the continued maintenance of a grade crossing across the state highway in the vicinity of Jack Siding, County of Tuolumne at a point on Road X Tuo. 13-B at approximately station 48.00, authority for the temporary establishment of said crossing having heretofore been granted by this Commission's Decision No. 15358 on Application No. 11634, decided August 31, 1925.

A public hearing on this application was conducted by Examiner Handford at Stockton at which time the matter was duly submitted for decision.

Oakdale Irrigation District and South San Joaquin Irrigation District in the latter part of 1925 began the construction of the Melones Dam on the Stanislaus River. In order to facilitate the transportation of materials for this structure,

the Districts, together with the Sierra Railway Company of California, constructed a spur track approximately nine miles long, which track crosses the State Highway in the vicinity of Jack's Siding, County of Tuolumne. Under Decision No.15358, dated August 31, 1925, in Application No.11634, authority was granted the Districts to construct said spur track at grade across the highway subject, among other conditions, to the following:

"(4) The authority herein granted for the installation of said crossing shall lapse and become void on June 30th, 1927, whereupon said crossing shall be abolished and the highway repaired to conform to the remainder thereof."

The Districts intended to use the spur only for construction purposes and upon the completion of the dam it was to have been abandoned.

The Sierra Railway Company of California, however, subsequently purchased the spur track and removed approximately four and one half miles of the track along the outer end. The railway now desires to continue in operation the remaining portion of the spur and has consequently joined in the above application asking that the temporary permit granted in Decision No.15358 be made permanent.

Representative for the Railway testified that numerous shipments of rock for roofing purposes now originate along the track and that considerable business may develop from an asbestos deposit located about one and one half miles from the end of the existing track. Representative of the Railway further testified that all train movements are flagged across the highway and that during the construction of the dam and subsequent thereto over six thousand cars were operated in both directions over the crossing of the State Highway without accident or complaint. The

view of the track is unobstructed.

R. E. Pierce, District Engineer, Division of Highways, Department of Public Works, State of California, testified that an actual count indicated the average highway traffic over the crossing amounted to approximately 700 vehicles daily during the summer season and 300 vehicles daily during the winter. He recommended, in order to assure safety to highway travel, changes in the type of crossing and in the highway grades of approach and alignment. The Railroad Company offered no objections to these recommendations.

It appears to this Commission that these recommendations are sound and that a permanent crossing should be authorized. Inasmuch as the track is now owned and will be used solely by the Sierra Railway Company of California, all costs should be assessed to that company.

O R D E R

Oakdale Irrigation District, South San Joaquin Irrigation District and Sierra Railway Company of California having filed the above entitled application with this Commission asking for authority to maintain as a permanent grade crossing a temporary grade crossing now constructed across the State Highway in the vicinity of Jack's Siding, Tuolumne County, State of California, as hereinafter set forth, public hearing having been held, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that permission and authority be and it hereby is granted Sierra Railway Company of California to maintain a spur track at grade across the State Highway in the vicinity of Jack's Siding, County of Tuolumne, at the location particularly described in Commission's Decision No. 15358, Application No. 11634, and as shown by the maps (Nos. 2-A-7 and 6-C-5) attached to that application; said crossing to be constructed

subject to the following conditions, viz:

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first class condition for the safe and convenient use of the public, shall be borne by Sierra Railway Company of California.

(2) Said crossing shall be constructed equal or superior to type shown as Standard No.2, in General Order No.72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said highway now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding six (6) per cent; shall be protected by a Standard No.1 crossing sign as specified in General Order No.75 of this Commission and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be brought to a complete stop and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(4) 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 24th day of

October, 1928.

Leon A. White
Chairman
Thos. D. Kautz
W. A. Cline
COMMISSIONERS.