

ORIGINAL

Decision No. 21624.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of COUNTY OF MERCED (viewers'
petition), to construct road,
Second Road District, across lands
of Southern Pacific Company.

Application No. 15560.

S. P. Galvin, for County of Merced.

H. W. Hobbs, for Southern Pacific
Company.

BY THE COMMISSION:

O P I N I O N

In this application which is filed in the form of a viewers' petition, the County of Merced requests authority to construct a crossing at grade with the track of the Southern Pacific Company in the vicinity of Sierra Vista. A public hearing was held at Merced on June 6, 1929, before Examiner Satterwhite, and at this hearing the matter was taken under submission.

The crossing requested is near the southerly line of Merced County about two thousand (2,000) feet north of the Chowchilla River, which forms the boundary line with Madera County. In the vicinity of the proposed crossing the railroad right-of-way is parallel and adjacent to the State Highway, both extending in a northwesterly and southeasterly direction and in a general way bisecting the townships and sections diagonally. The road requested in the viewers' petition would extend easterly

along the southerly line of Section 11, T. 9 S., R. 15 E. Mount Diablo B. & M. from the southwest corner of that section of the State Highway, a distance of approximately seven-eighths of a mile. This route necessitates the crossing with Southern Pacific tracks, which is the subject of this proceeding.

The purpose of this road is to furnish an outlet to the State Highway for southbound travel from a district immediately north of Chowchilla River and west of the Highway and railroad. This district is now reached by a road along the westerly side of Section 11, crossing the track about one mile northwesterly from the crossing herein sought, and for traffic to and from Merced, the County seat, and other northerly points, this outlet is apparently adequate. For travel to and from points to the southward, however, this crossing is not so convenient and the additional crossing is requested.

The town of Chowchilla, Madera County, California, is considerably nearer than Merced, and much of the trading and business of the residents of this district is transacted in Chowchilla. At the present time use is made of a private crossing near the site of the crossing proposed in the application.

The track to be crossed is the main line of Southern Pacific Company between Lathrop and Fresno, over which both freight and passenger trains move at maximum allowable speed. The record shows daily movement of ten (10) passenger trains and, in addition, a number of freight trains. Southern Pacific Company entered an appearance at the hearing and protested the granting of the application.

The district is sparsely settled, there being but three or four houses in the vicinity, and while the map filed at the

hearing indicates roads both southerly and westerly from the westerly terminus of the proposed road, these roads do not exist as public roads, fences being maintained across both. We are of the opinion that if the crossing were installed it would have a very limited use. It may be that as the district develops public necessity may require the opening of a crossing at this point but at present it does not appear that the convenience to the few residents which the crossing would furnish is sufficient to justify the installation of an additional public crossing with a main line railroad with its attendant hazards.

The application will be denied and the following form of order will, therefore, be entered:

O R D E R

The Board of Supervisors of Merced County having filed with this Commission, under the provisions of Section No. 2694 of the Political Code of California, a certified copy of the petition to freeholders in said County for the construction of a certain road together with a certified copy of the order of the Board of Supervisors appointing viewers to view said road, which road crosses the track and right-of-way of the Southern Pacific Company in the vicinity of Sierra Vista, a public hearing having been held and 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.

The effective date of this order shall be twenty (20)

days from the date hereof.

Dated at San Francisco, California, this 27th day
of September, 1929.

Thos D. Lott

Clarence

Leon

M. A. Carr

Commissioners.