

ORIGINAL

Decision No. 22898.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

<p>In the Matter of the Application of the County of Madera for the reestablishment of a highway cross- ing across the tracks of the South- ern Pacific Company at Califa.</p>	)
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Application No. 16520.

BY THE COMMISSION:

O P I N I O N

The County of Madera filed the above entitled applica-  
tion on May 7, 1930, asking for authority to reestablish a high-  
way crossing at grade across the tracks of the Southern Pacific  
Company at Califa.

A public hearing was held before Examiner Cannon at  
Chowchilla on August 7, 1930, at which time the matter was sub-  
mitted.

The People of the State of California, on relation of  
the Department of Public Works, Division of Highways, filed  
Application No. 15778 with the Commission on July 5, 1929, asking  
for authority to build a crossing at separated grades under the  
tracks of the Southern Pacific Company in the vicinity of Califa.  
Authority for said crossing was granted by the Commission in  
its Decision No. 21521, dated September 6, 1930, it being pro-  
vided in Condition 5 thereof that at the completion of the  
crossing at separated grades the existing crossing over the

Southern Pacific Company's tracks at Califa should be closed, which latter crossing the county now desires to reestablish.

Prior to the construction of the undergrade crossing just north of Califa, the State Highway extended along the easterly side of the Southern Pacific tracks to a point approximately 3.5 miles distant in a southerly direction where a crossing was made at grade. The subway was placed north of Califa and a new highway constructed along the west side of the tracks. The Pacheco Pass Highway, which crossed the Southern Pacific at Califa, was then connected with the new highway west of the tracks, thus eliminating highway traffic from two grade crossings in this vicinity. The old highway east of the tracks was turned over to the county.

Applicant presented a number of witnesses, whose testimony, generally, was similar in all respects and, briefly stated, was as follows:

The crossing which applicant seeks to have reestablished has been in existence and use for over forty (40) years. The territory in the vicinity of Southern Pacific's station at Califa is largely planted to grain and the crossing is required in order to reach the warehouse and shipping facilities of the Southern Pacific at Califa and for the purpose of moving farm products and farm machinery across the tracks. The newly constructed subway is not a convenient or practical crossing for this purpose. It is inconvenient because an additional mile of travel is required for its use and also because of a sharp turn at the north end of the subway, which makes its use for grain trucks and other farm traffic somewhat hazardous. It is not practical because of the fact that farm machinery, particularly harvesters, cannot be

moved through it without dismantling same. This dismantling requires a day's time and costs, for labor alone, approximately \$25.00. These harvesters are, in some instances, approximately sixty (60) feet wide and were formerly moved across the Califa crossing without delay, dismantling not being necessary.

There are four grade crossings along this territory in addition to the Califa grade crossing and subway. A list of all six crossings follows:

	<u>Crossing No.</u>	<u>Approximate Distance Between Crossings</u>
New Subway crossing,	B-171.8-B	1,000 Ft.*
Califa grade crossing, (now closed),	B-171.9	4,800 Ft.
Fairmead grade crossing,	B-172.7	1,800 Ft.
Jamison grade crossing,	B-173.1	5,500 Ft.
Oliver grade crossing,	B-174.2	6,100 Ft.
Old Highway grade crossing,	B-175.3	

Note: Distance is measured along center line of railway from center line to center line of crossing.

\*Average travel distance between subway and Califa crossings, due to approaches of subway, is approximately 2,700 feet.

Applicant agrees to close the Jamison grade crossing in the event authority is granted to reestablish the Califa grade crossing.

Applicant's witnesses were of the opinion that adequate grade crossings in three locations; viz., at Califa, Fairmead and point of Old Highway crossing, would be sufficient to serve the needs of traffic and recommended that, if these three crossings were provided, the remaining crossings be closed. All witnesses

agreed that the Jamison crossing should be closed. Two witnesses were of the opinion that the Oliver crossing was needed, due to its location along the mail and school bus routes. The school bus serves a school in the vicinity of Chowchilla and north of Califa and is routed along the easterly side of the Southern Pacific tracks to Fairmead, across the tracks at grade to the west side, thence back across the tracks to the east side over the Oliver grade crossing.

Southern Pacific Company protested the reestablishment of a public crossing at Califa, but offered to provide a private crossing with gates, if authority for the public crossing was denied and the Jamison grade crossing closed.

The testimony with reference to the use of grade crossings in this territory by the school bus is surprising, to say the least. Unquestionably, this school bus should be routed in a manner so as to use the newly constructed subway for at least one of the two crossings required across the tracks of the Southern Pacific Company, if not for both. Apparently no effort has been made to so arrange its route that this may be accomplished. The old highway crossing, which is a mile south of the Oliver crossing now used by the bus, is a paved crossing protected by an automatic wigwag and is probably a much safer crossing for use than is the Oliver crossing. In the event it is found not practicable to use the existing subway for both crossings of the school bus across the tracks of the Southern Pacific Company, the old highway crossing may be used which would, under the most adverse conditions, result in adding only two miles to the length of the route.

The effort of the County of Madera to properly locate grade crossings so as to best serve its highway traffic and to close dangerous and little used grade crossings, as made apparent

by this application, is commended by this Commission.

It is our conclusion that the application for the reestablishment of the Califa crossing is reasonable and should be granted and that the crossings known as the Jamison crossing and the Oliver crossing and more particularly identified as Crossings Nos. B-173.1 and B-174.2, respectively, should be legally closed by the applicant to public use and travel. The following form of order will so provide:

O R D E R

The County of Madera having applied to this Commission for authority to reestablish a highway crossing across the tracks of the Southern Pacific Company at Califa, a public hearing having been held, the matter having been submitted and, basing its decision upon the above conclusions and findings of fact,

IT IS HEREBY ORDERED that the County of Madera be and it is hereby granted authority to reestablish the grade crossing across the tracks of the Southern Pacific Company in the vicinity of Southern Pacific Company's Station of Califa and identified as Crossing No. B-171.9. This authority is granted, subject to the following conditions:

(1) The entire cost of the reestablishment of said grade crossing shall be borne by the applicant. The cost of maintenance of that portion of the crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The cost of maintenance of that portion of crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) Said crossing shall be constructed of a width not in excess of sixty (60) feet and at an angle of ninety (90)

degrees to the railroad, with grades of approach not greater than five (5) 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 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) Prior to the beginning of actual construction of the crossing herein authorized, the County of Madera, applicant herein, shall file with this Commission a certified copy of an appropriate ordinance duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing in the vicinity of Fairmead, known as the Jamison crossing and identified as Crossing No. B-173.1, and the existing public grade crossing known as the Oliver crossing and identified as Crossing No. B-174.2. Upon completion of the crossing herein authorized and prior to its being opened to public use, said crossings identified as Nos. B-173.1 and B-174.2 shall be legally abandoned and effectively closed to public use and 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 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 23<sup>d</sup> day of August, 1930.

W. J. Lee

Leon White

W. J. Lee  
Commissioners.