

Decision No. 23456

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Joaquin County to construct a county road at grade over Southern Pacific Company's track under the provisions of Section 2694 of the Political Code of California.  
(Viewers' Petition.)

ORIGINAL

Application No. 17101.

Guard C. Darrah, District Attorney of San Joaquin County, by Thomas M. Louttit, Assistant District Attorney, for Applicant.

Arthur L. Levinsky, of Levinsky & Jones, for Protestant Southern Pacific Company.

Mary J. French, Supervisor of San Joaquin County, in favor of the Petition.

H. A. Flemming, representing Algie Beecher Flemming, in favor of the Petition.

Leland E. Beecher, representing Myra Beecher, in favor of the Petition.

H. L. Branthayer, representing Vera G. Branthayer, protesting the Petition.

Oron Leroy Osborne, representing himself and L. A. Osborne, Protesting the Petition.

C. A. Beecher, for himself, protesting the Petition.

HARRIS, COMMISSIONER:

O P I N I O N

The Board of Supervisors of San Joaquin County on January 8, 1931, under the provisions of Section 2694 of the Political Code of California, filed a certified copy of a petition of freeholders of said county for the construction of an extension of Beecher Road, together with a certified copy of

the order of the Board of Supervisors appointing viewers to view said road, which plan of road extension involves a crossing over the right of way and track of Southern Pacific Company's Peters Branch.

A public hearing was held in the rooms of the Board of Supervisors at Stockton on February 11, 1931.

The grade crossing herein proposed is located approximately 6.4 miles east of Stockton. The Peters Branch is a single-track line running in an easterly direction from Stockton to Peters and Milton. At this time four main county highways connect Stockton with the eastern portion of San Joaquin County. Two of these roads are north of the railroad, namely, the Linden Road and the Waterloo Road, being one mile and four miles respectively, north of the railroad opposite the proposed crossing. The Copperopolis and Farmington Roads are respectively three-fourths of a mile and two miles south of the railroad. Beecher Road, a north and south county road, extends north from the railroad across both Linden and Waterloo Roads. The county proposes to extend this road south across the railroad to the Copperopolis Road.

The nearest public crossings over the railroad are one mile east and one and one-quarter miles west of the proposed crossing. The crossing to the east is on the Jack Tone Road, a north and south paved highway, extending the entire length of the county, while the crossing to the west is on the Glenwood Road extending from the Copperopolis Road, north to and across the Waterloo Road.

The purpose of extending the Beecher Road over the railroad to a connection with the Copperopolis Road is to give the residents living along Beecher Road an outlet to the south. It appears from the record that there are five residents situated along Beecher Road between the railroad and Linden Road who would be benefited by the proposed extension of this road as well as other residents at the intersection of Beecher Road and Linden Road. These people now have two alternate routes available to cross the railroad, i.e., the Jack Tone Road or the Glenwood Road. In reaching the Glenwood Road, this traffic can either use Linden Road or a short graveled road extending west from Beecher Road to Glenwood Road about 3,000 feet north of the railroad.

The railroad operates three trains each way per day over the line herein involved, consisting of one passenger, one freight and one mixed train. These trains reach a maximum speed of approximately forty miles per hour in the vicinity of the crossing. During the fall of the year several extra freight trains are also operated over this line.

The granting of this application was both supported and opposed by the residents of the district, as well as being opposed by Southern Pacific Company. The residents to the north of the railroad contended that the crossing and extension of the Beecher Road was necessary in order that they might conveniently reach the Copperopolis Road. The opponents to the granting of the application testified that public necessity did not exist and that the construction of the proposed crossing was an unnecessary expenditure of county funds.

After a review of the record in this proceeding, it appears that the district with its scattered residences is reason-

ably well served by the existing grade crossings over the railroad in this district, and that public convenience and necessity do not at this time justify the expense of constructing and maintaining this grade crossing with its attendant hazard.

The following form of order is recommended denying the application:

O R D E R

Public hearings having been held and the matter having been submitted,

IT IS HEREBY ORDERED that Application No. 17101 be denied without prejudice.

The foregoing Opinion and order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 2nd day of March, 1931.

C. J. Jones  
Leon Whisler  
W. J. Lee  
M. B. Harris  
Fred G. Stewart  
 Commissioners.