

Decision No. 23645.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
the BOARD OF SUPERVISORS OF SAN JOAQUIN
COUNTY to construct a County Road at
grade across the Terminus Branch of
The Western Pacific Railroad Company
under Sec. 2694 of the Political Code
(Viewers' Petition).

ORIGINAL

Application No. 17262.

Guard. C. Darrah, District Attorney, by
Thos. E. Louttit, for Applicant.
R. I. Gloster, for The Western Pacific
Railroad Company.
E. F. Loescher, for Security First National
Bank of Los Angeles.

STEVENOT, COMMISSIONER:

O P I N I O N

The Board of Supervisors of San Joaquin County, on
March 20, 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 a County
road along the line between Section 13 of T. 3 N, R. 5 E, and
Section 18, T. 3 N, R. 6 E, M. D. B. & M., together with a certi-
fied copy of the order of the Board of Supervisors, appointing
viewers to view said road, which road crosses the right of way
and track of the Terminus Branch of The Western Pacific Rail-
road Company, County of San Joaquin, State of California.

A public hearing was held in this matter in the rooms
of the Board of Supervisors at Stockton on April 23, 1931.

The Terminous Branch is a single track line running due west from a junction with The Western Pacific Railroad Company's main line near the unincorporated town of Kingdon for a distance of approximately eight miles to Terminous. The Kettleman-Terminous Road, which is a graveled county road, runs parallel to and approximately one-quarter of a mile north of this branch line. Thornton Road, a paved north and south highway, passes through Kingdon. The county now proposes to construct a road parallel with Thornton Road, one mile west thereof which when connected with the Kettleman-Terminous Road will involve the crossing herein proposed.

The territory south of the Terminous Branch and west of Thornton Road, known as the Lodi Colony Tracts, is served by several short east and west roads connecting with Thornton Road to the east. The residents of this area, however, have no direct outlet to the north. The construction of the road as proposed will afford the Lodi Colony Tracts an outlet to the north by connecting with the Kettleman-Terminous Road and thereby effect a saving of from one-half to two and one-half miles in travel as compared with the present route now available by way of Thornton Road.

In the petition the center line of the proposed road is described as following the section line between Sections 13 and 18. Due to the fact that an irrigation canal follows along this section line, applicant was authorized at the hearing to modify the description of the road so that its west line, instead of its center line, would follow the section line. The map attached to the application shows the road in the revised location.

At the point of proposed crossing the railroad is on an embankment approximately four feet above the surrounding natural ground, which is level. If the proposed crossing were constructed, the view of approaching trains would be unobstructed except for a few willows along the irrigation canal, which can readily be removed.

The Western Pacific Railroad Company operates from two to four extra freight trains per day over the Terminous Branch at a speed not exceeding twenty miles per hour. The vehicular traffic over this crossing will be practically all local and relatively light. It, therefore, appears for the present no special protection is necessary for this crossing, if constructed.

The Western Pacific Railroad Company offered no objection to the granting of this application.

After carefully considering the record in this proceeding it is concluded that public convenience and necessity justify the granting of this application.

The following form of Order is recommended:

O R D E R

A public hearing having been had and the matter having been submitted,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Joaquin, State of California, is hereby authorized to construct a public road at grade across the track of the Terminous Branch of The Western Pacific Railroad Company at the

location as shown by the map (marked County Survey No. 4203 Road Petitioned for by O. S. Newman and others) attached to the application, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 4E-0.9.
- (2) 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 Western Pacific Railroad Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of approximately ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall cause to have removed all trees, shrubs and other forms of vegetation so as to provide a clear view of the track for a distance of not less than four hundred (400) feet in both directions for the driver of a vehicle during the last one hundred (100) feet of his approach to the track from either direction.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (7) 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, public convenience and necessity demand such action.

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

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

Dated at San Francisco, California, this 4th day of May, 1931.

C. Seaman
Leon C. Williams
W. B. Davis
Fred G. Stewart
Commissioners.