

Decision No. 24251.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
The People of the State of California,
on relation of the Department of Public
Works, for an order authorizing the
construction of a crossing at separated
grades of the State Highway and the
tracks of the Central Pacific Railroad
and/or the Southern Pacific Railroad
near Towle, Placer County.

Application No. 17660.

ORIGINAL

Frank B. Durkee, for applicant.
Roy G. Hillebrand, for Southern Pacific
Company.
Charles A. Giesendorfer, for Board of
Supervisors of Placer County.

BY THE COMMISSION:

O P I N I O N

In this proceeding the People of the State of California, on relation of the Department of Public Works, Division of Highways, request permission to construct a state highway at separated grades under the double-track main line (Ogden Route) of Southern Pacific Company in the vicinity of Towle, Placer County, California.

A public hearing was held in this matter before Examiner Johnson at Auburn, on November 5, 1931.

Applicant proposes to relocate the state highway between Gold Run and Airport, Placer County, a distance of approximately eleven and one-half miles, which will involve crossing under the Southern Pacific Company's main line track near Towle.

Southern Pacific Company's main line (Ogden Route) runs between Gold Run and Towle, passing through Dutch Flat and Alta. The present route of the state highway now crosses from the

south side of the tracks to the north on a wooden overhead bridge (Crossing No. A-152.0-A) about one-half mile west of Gold Run, thence continues easterly through Gold Run for approximately two miles where it crosses to the south side of the railroad at grade (Crossing No. A-153.9). Continuing on, it again crosses the railroad at grade in the vicinity of Alta (Crossing No. A-156.4) and from this point it extends easterly, north of the railroad, to Airport and beyond. All of the above is shown on Sheet 1 of Exhibit 1 filed in this proceeding.

The present highway has many sharp curves, as well as steep grades. The proposed relocation is to the south of the railroad for the entire distance from a point west of the wooden overhead bridge to the proposed subway at Towle and has relatively long radius curves and moderate grades. When the new highway is constructed, it will attract all through traffic from the present highway and the need for the three crossings for that class of traffic will cease. That part of the old highway between Dutch Flat and a point east of Towle will continue to be needed for local traffic between these towns and the crossing at grade at Alta (Crossing No. A-156.4) cannot reasonably be eliminated.

The overhead crossing west of and the grade crossing east of Gold Run will not be needed for either local or through vehicular traffic, due to the fact that a local road crosses the railroad at Gold Run Station (Crossing No. A-152.6), which will be connected to the new highway, giving the people living north of the railroad a direct outlet to the new highway.

An objection was raised to the closing of these two crossings on the grounds that the old road should remain open in

this locality for the purpose of driving live stock and, furthermore, the overhead crossing should remain open for school children to reach the school house, which is located north of the tracks and only a relatively short distance from this crossing. Testimony indicated that the total enrollment of the school was eight children, only a few of whom cross the railroad.

It was suggested that the old highway be left open for the driving of cattle and sheep and thus keep them away from the new highway for a distance of about two miles. Stock are trailed through this territory only for about one month in the spring and for about one month in the late fall. In moving stock over the old road, it would continue to involve their crossing the railroad at two locations, whereas, if they are moved along the route of the new highway, these two crossings would be eliminated. The record in this proceeding indicates that this stock movement does not sufficiently justify the continued maintenance of these two ~~CROSSINGS~~ ^{with the attendant hazards.}

No representatives of either the school district or the cattlemen appeared at the hearing, although they were both notified.

The overhead timber structure was constructed in 1917 and will require continuous maintenance and, in the near future, will need renewing if kept open to travel. One family lives adjacent to and north of the grade crossing east of Gold Run. On the opposite side of this crossing, applicant proposes to construct a connection with the new highway for the use of the local people living in and about Dutch Flat. For the one family mentioned above, it will be necessary to maintain this crossing (for their use only) to reach either Dutch Flat or the new highway.

The record shows that applicant and Southern Pacific Company have agreed on the apportionment of cost of the grade

separation herein involved. Said agreement will be filed with this Commission when executed.

It appears from a review of the evidence that public convenience and necessity justify the granting of this application and that the wooden overhead crossing and the crossing at grade in the vicinity of Gold Run should be closed to public use and travel and it will be so ordered.

O R D E R

A public hearing having been had before Examiner Johnson and the matter having been submitted,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct a state highway known as Road III-Pla-37-D at separated grade under the main line track (Ogden Route) of Southern Pacific Company in the vicinity of Towle, County of Placer, State of California, at the location as shown by the map (Exhibit "A") attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. A-157.4-B.
- (2) The entire expense of constructing and thereafter maintaining said undergrade crossing in good and first-class condition shall be borne in accordance with the terms of an agreement to be entered into between applicant and Southern Pacific Company. A certified copy of said agreement shall be filed with this Commission within one hundred twenty (120) days after the date hereof. Should said agreement not be filed within the above time and further time not be granted by subsequent order, said costs will be apportioned by supplemental order herein.
- (3) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with

this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing overhead crossing located west of Gold Run Station and designated as Crossing No. A-152.0-A and the crossing at grade located east of Gold Run and designated as Crossing No. A-153.9. Upon the completion of the crossing herein authorized and upon the opening of the new highway between Gold Run and Towle to public use and travel, said Crossings No. A-152.0-A and No. A-153.9 shall be legally abandoned and effectively closed to public use and travel.

- (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.

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

Dated at San Francisco, California, this 30th day of November, 1931.

W. Leamy
Leon Whiteley
M. J. Am
W. B. Hayes
Frederic G. Stewart
 Commissioners.