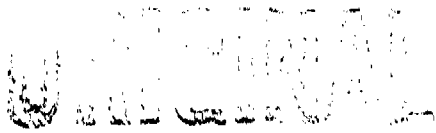


Decision No. 17356.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application
of the County of Ventura for an
Order authorizing Southern Pacific
Company to grant an Easement to
said County across the Track and
right of way of said company, and
for an Order authorizing certain
improvements to be made at said
crossing near Moorpark in said
County.



Application No. 17356.

Burton L. Rogers, Deputy District Attorney,
for Applicant.

Henry W. Hobbs, for Southern Pacific Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

In this application the County of Ventura requests authority to make certain improvements at crossing of Los Angeles Avenue with tracks of Southern Pacific Company in the vicinity of Moorpark, County of Ventura. A public hearing was conducted at Ventura by Examiner Handford on November 10, 1931.

Los Angeles Avenue, easterly from Moorpark, is located on the northerly side of the main coast line track of the Southern Pacific Company. It crosses the track at the crossing involved in this proceeding and then extends easterly parallel and adjacent to the southerly side of the railroad right of way. East of the crossing the highway is paved with a 20-foot concrete pavement with an 8-foot shoulder, while west of the crossing the present pavement is but 16 feet in width, with

earth shoulders of varying widths. The County proposes to reconstruct the pavement on the west side of the crossing to the same width as on the easterly side. The present plank crossing with the rails provides a roadway approximately 20 feet in width and if the improvements proposed by the County are carried out it will be necessary to extend this crossing to conform with the proposed width of the pavement and shoulders.

The County's plans for improving this crossing, as shown by the maps attached to the application, contemplate elevating the track at the crossing and making considerable changes in the approach grades. It was stated that this raise was proposed at the request of Southern Pacific Company in order to provide for future ballast renewals.

At the hearing, a witness for Southern Pacific Company stated that no change in the elevation of the rails was necessary for any purpose of the railroad company and the County Engineer stated that the present grade line of the highway was satisfactory to the County. Both parties agreed, however, it would be necessary to widen the crossing, move the cattle guards and wing fences, and to change the location of a wigwag which is installed for the protection of this crossing.

It appears to the Commission desirable that the application should be granted, with the modification, however, that no change be made in the present elevation of the rails or in the highway approach grades.

With respect to the division of cost of the proposed improvements, it appears that the County does not object to paying for the additional width of pavement, but feels that the moving of the wigwag should be undertaken by the Southern Pacific Company. This wigwag is located on the northerly side of the track on the right hand side of the highway, adjacent to that section of the road which has not yet been improved.

This wigwag was installed in 1925 and was properly located for the protection of the grade crossing as it then existed. The railroad contends that, with the widening of the roadway to the east of the crossing, the vehicular traffic has followed lines encroaching on the wigwag, which has resulted in accidents on three different occasions, where the wigwag was knocked down. It is apparent that the proposed widening of the crossing to meet the improved highway adjacent thereto will, in the interest of safety, necessitate moving the wigwag to a location in conformity with the requirements of the Commission's General Order No. 75. In view of the fact that the necessity for moving the wigwag, which originally was properly located, is brought about as a result of widening the county highway and is, in fact, an incidental part of that improvement, it appears that the county should bear the expense of such relocation.

The type of construction recommended for the crossing is the Commission's Standard No. 3-B and the additional width is estimated to cost \$276., including the preparation of the track. In apportioning the cost of this work, it appears that the railroad should bear the cost of preparing the track and that the County of Ventura should bear the cost of the additional pavement. The expense of moving the cattle guards and wing fences should be borne by the railroad.

O R D E R

The County of Ventura having applied for authority to widen a crossing of the County Road, known as Los Angeles Avenue, with the track of Southern Pacific Company in the vicinity of Moorpark, County of Ventura, a public hearing having been held and the matter being duly submitted and now ready for decision,

IT IS HEREBY ORDERED that the Board of Supervisors of Ventura County be authorized to widen said crossing in accordance

with the plans attached to the application in so far as they appertain to the width of the crossing, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. E-429.6.
- (2) The rails of the track of the Southern Pacific Company shall remain at the present elevation.
- (3) The crossing shall be constructed of a width of not less than thirty-six (36) feet and with grades of approach not greater than those at present existing; shall be constructed equal or superior to type shown as Standard No. 3 in this Commission's General Order No. 72; shall be protected by a Standard No. 1 crossing sign, as specified in this Commission's General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) The wigwag which is now installed at said crossing shall be moved to a location conforming with the requirements of this Commission's General Order No. 75.
- (5) Southern Pacific Company shall, at its own expense, prepare the track for the installation of the additional width of pavement. If it is found necessary to reconstruct the existing crossing to provide a crossing equal or superior to Standard No. 3 of the Commission's General Order No. 75 the expense of such reconstruction of the existing crossing shall be borne by Southern Pacific Company. Southern Pacific Company shall bear all expense in connection with moving wing fences and cattle guards outside of the highway. The County of Ventura shall bear all other expense in connection with the widening of the crossing. The cost of main-

tenance 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 Southern Pacific Company.

- (6) 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.
- (7) 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.
- (8) The Commission reserves the right to make such other and 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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 14th day of December, 1931.

C. J. Seaver
Leon Whittell
W. J. Lewis
M. B. Lewis
Frederic G. Stevens
Commissioners.