

Decision No. 24912.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SACRAMENTO COUNTY, California, for permission to change the location of a public highway crossing at grade over the tracks of Southern Pacific Company near Galt, Sacramento County, California.

ORIGINAL

Application No. 785.

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of certain passing tracks, passing track extensions and a wye track across certain public roads, streets and avenues between Akers and Brighton, in the Counties of San Joaquin and Sacramento, State of California.

Application No. 15628.

Ralph H. Cowing, Deputy District Attorney,
for County of Sacramento.
H. W. Hobbs, for Southern Pacific Company.

STEVENOT, COMMISSIONER:

C O P I N I O N

The above entitled proceedings were reopened for hearing and further determination by the Commission on May 16, 1932, and on June 17, 1932, a public hearing was held at Sacramento.

In Application No. 15628 Southern Pacific Company requested authority to construct extensions of several of its passing tracks across certain county roads in the territory between Akers, San Joaquin County, and Brighton, Sacramento County. Authority for these crossings was granted by Decision No. 21375,

dated July 18, 1929. Subsequently, by supplemental order (Decision No. 21873, dated December 6, 1929,) the Commission prescribed the type of protection to be installed at the various crossings.

There appeared a possibility that two of the crossings (Crossing No. D-111.6, "E" Street, Galt, and Crossing No. D-112.9, Pringle Avenue, near Galt,) might be closed and, accordingly, the supplemental order provided that the installation of automatic protective devices at these two crossings could be deferred for one year and that if they then remained open they should be protected by wigwags equipped with second train indicators. Upon representations that negotiations seeking to close these crossings were under way, the effective date for these installations has been extended and is now July 1, 1932.

At the hearing such facts as were available relating to the history, amount of use and present condition of these crossings were entered in the record.

Crossing No. D-111.6, "E" Street, Galt, is probably a relic of a driveway constructed as a railroad facility and occasionally used by the general public. The Town of Galt (unincorporated) extends along the track of Southern Pacific Company for a distance of less than one-half mile. Although the business section, most of the residences and the main state highway lie to the east of the railroad, the small residence district lying to the west of the track, with possibly fifteen scattered houses, has four grade crossings with the railroad, exclusive of the "E" Street crossing. There is no public necessity for a crossing at this point and as the railroad use for which the crossing was probably originally installed has now ceased, Southern Pacific Company should abolish it by digging

out the crossing and erecting an effective barricade at its property line.

Crossing No. D-112-9, Pringle Avenue, was constructed about 1914, pursuant to authority granted by this Commission in Decision No. 1015 in Application No. 785. Pringle Avenue extends westerly from the state highway a distance of about one and one-half miles to another north and south road and crosses the railroad a half mile west of the state highway. The crossing was apparently installed in connection with the development of a real estate subdivision and, although this subdivision has been on the market nearly twenty years, Exhibit No. I shows that but five houses have been erected on the 36 lots fronting on this road. The residents of these houses have adequate access to their property by public roads without using the Pringle Avenue crossing and the crossing apparently has very slight use by the general public.

I am convinced that there is not sufficient public necessity for either of these crossings to warrant their continued maintenance and the attendant hazard to vehicular travel and to the public using the railroad. It is accordingly recommended that an order be entered in Application No. 785 rescinding the authority granted in Decision No. 1015 and that Southern Pacific Company be required to abolish the driveway at "E" Street. Since the closing of these two crossings satisfies the requirements of the Commission's orders in Application No. 15628, no further order in this latter proceeding is necessary. The following form of order is suggested.

O R D E R

The above entitled applications having been reopened for hearing and further determination, a public hearing having

been held and the matter being submitted and ready for decision,

IT IS HEREBY ORDERED that the authority heretofore granted in Decision No. 1015, dated October 16, 1913, in Application No. 785, be and it is hereby rescinded.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company is hereby directed to remove and effectively close to public use and travel the crossing of Pringle Avenue, Crossing No. D-112.9, heretofore granted in this application, within ten (10) days from the effective date of this Order.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company is hereby directed to remove and effectively close to public use and travel the crossing opposite "E" Street, (Crossing No. D-111.6) heretofore constructed as a railroad facility and now subject to occasional use by the public, within ten (10) days from the effective date of this Order.

The effective date of this Order shall be the date hereof.

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.

Dated at San Francisco, California, this 27th day of June, 1932.

CC Seaney

Leon Whitwell

M A C

M B L

Fred G. Stewart

Commissioners.