

Decision No. 10491

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

In the matter of the application of the County of Tulare for permission to construct a public road at grade over the track of The Atchison, Topeka & Santa Fe Railway on the North line of Section 5, Township 18 South, Range 25 East, M.D.B. & M., near Peral.

Application No. 7414.

Fred C. Scott and D. M. Edwards, for Applicant.

J.W. Walker, for The Atchison, Topeka and Santa Fe Railway Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Tulare for permission to construct a public road at grade across the track of The Atchison, Topeka & Santa Fe Railway Company on the North line of Section 5, Township 18 South, Range 25 East, M.D.B. & M., near Peral.

A public hearing was held on this application May 9, 1922, at Visalia before Examiner Satterwhite.

The railroad, at this location runs in a north and south direction approximately along the center line of Section 5, Township 18 South, Range 25 East, M.D.B. & M.. About sixteen trains are run daily at fairly high speeds, over this track.

A main north and south paved county highway between Visalia and Dinuba passes along the west side of Section 5. There is a dirt road along the east line of Section 5 and another road one mile further east along the east line of Section 4. There is an important east and west dirt road running along the south line of Sections 4 and 5 connecting the Visalia-Dinuba paved highway with the Visalia-

Klink paved highway to the east.

The purpose of the proposed crossing is to extend an existing east and west road, the westerly terminus of which is at the northeast corner of Section 4, westerly two miles to the Visalia-Dinuba highway, giving the territory east of the track a direct outlet to this paved highway.

The only residents now living on this proposed two miles of new road are some three families residing between the railroad and the paved highway, which families would be adequately served were the road constructed easterly from the highway to the railroad without crossing it. The territory some two or three miles east of the railroad is well developed, there being some 12 families situated in Section 34, Township 17 South, Range 25 East, this territory being largely devoted to the culture of oranges and olives. The existing roads, however, appear to give these people reasonably adequate means of outlet, the principal advantage of the proposed road to them being that they would be unable to make use of one more mile of highway instead of a dirt road.

The testimony also indicated that the north and south roads on each side of Section 4 were unsatisfactory roads in the rainy season. This, however, appears to be a condition which could be remedied without the necessity of increasing public hazard incident to an additional grade crossing.

Considerable evidence was introduced showing prospective colonization and intensified development of territory immediately east of the railroad and that the granting of this application would materially increase property values in this section. It does not appear, however, that a present urgent public necessity exists for the installation of this additional crossing at this time, and under these circumstances the installation of this additional grade crossing, with its resultant additional hazard of accident, should not be authorized.

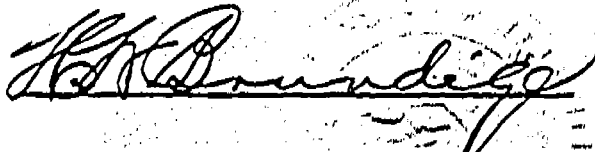
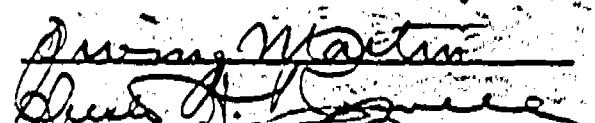
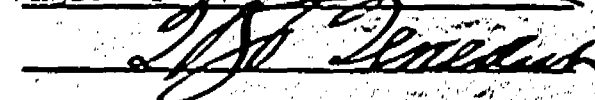
O R D E R

The Board of Supervisors of the County of Tulare, State of California, having applied for permission to construct a public road along the north line of Section 5, Township 18 South, Range 25 East, M.D.B. & M., at grade across the track of The Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held, the Commission being apprised of the facts and the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity do not require the establishment of a public crossing at grade across the track of The Atchison, Topeka & Santa Fe Railway Company at the north line of Section 5. T. 18 S., R. 25 E., M.D.B. & M., at this time, therefore

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied without prejudice.

Dated at San Francisco, California, this 22<sup>nd</sup> day of May, 1922.

  
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Commissioners.