

Decision No. \_\_\_\_\_

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
YOLO COUNTY, California, for per- )  
mission to construct a public road at )  
grade across the track of Southern )  
Pacific Company in Road District No.5 )  
of Yolo County, California. )  
..... )

ORIGINAL

Application No. 1667.

Decision No. 2557

M. H. Stitt, for applicant

Geo. D. Squires, for Southern Pacific Company

GORDON, Commissioner,

O P I N I O N

This application was made, and the hearing was subsequently held, under section 2694 of the Political Code, as amended January 2, 1912, which requires that after viewers have been appointed to view a crossing which a county proposes to open, a certified copy of the petition requesting the opening of such crossing, and of the order appointing viewers, be submitted to the Commission, and a hearing thereafter held, at which hearing the Commission shall hear the evidence and "determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation and maintenance, use and protection of said crossing."

The road which Yolo County desires permission to construct across the track of Southern Pacific Company in this application is now a twenty-foot private road which has been used for many years and is now constructed across the track at the point of crossing covered by the application. It is the intention of the County to take this private road as a county road and widen it to forty feet. This highway is approximately north and south and joins an east and west county road about 200 feet south of the point where the private road crosses the track. This east and west county road crosses the same track about 600 feet from the point where the private road crosses it.

The evidence taken at the hearing shows that there are several ranchers dependent upon this road for means of access to and from their ranches and some outlet must be provided for them.

The Southern Pacific Company, in opposing the granting of the application, stated that it would be feasible to construct a county road on the north side of its track, possibly using part of its right-of-way, to form a connection between the private road and the present county road so that the existing crossing 600 feet west of the private crossing could be used in lieu of the crossing proposed.

There are two objections to this scheme. The first is the fact that the width of a possible road in the location proposed by the Southern Pacific Company would be seriously restricted by a stream which encroaches on the Railroad Company's right-of-way, and the second is because the main travel which will come from the road sought to be opened to the county road will be east and a detour of over a thousand feet and two sharp turns will be necessitated, adding largely to the inconvenience of those who expect to use the crossing with four and six horse teams and heavy farm machinery.

The crossing on the county road now existing is more open than the proposed crossing would be as the two corners at the intersections of the proposed road with the right-of-way are set out in orchards. The train service on this branch of the Southern Pacific is light, and by removing some of the trees from these intersections, I believe the proposed crossing can be made in a manner satisfactory from a safety view point.

I recommend the following form of order:-

O R D E R

YOLO COUNTY, California, having applied to the Commission for permission to construct a public road at grade across the track of Southern Pacific Company in Yolo County Road District No. 5, at a point more particularly described in the application and shown

on the map attached to same, and a public hearing having been held, and it appearing that this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That permission be and the same hereby is granted Yolo County, California, to construct a public highway crossing at grade over the track of Southern Pacific Company at the point and in the manner applied for, subject to the following conditions and not otherwise, viz.:-

(1) Any expense attendant upon changing the present farm crossing to a public highway crossing shall be borne by the applicant.

(2) The expense of maintaining the crossing up to a line two (2) feet outside of the rails of Southern Pacific Company shall be borne by applicant. The expense of maintaining the crossing between the rails and to a line two feet outside thereof shall be borne by Southern Pacific Company.

(3) The crossing shall be made with grades of approach not exceeding four (4) per cent and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) The applicant shall at its own expense remove or cause to be removed all of the trees within the two triangles north of the track of Southern Pacific Company bounded as follows:-

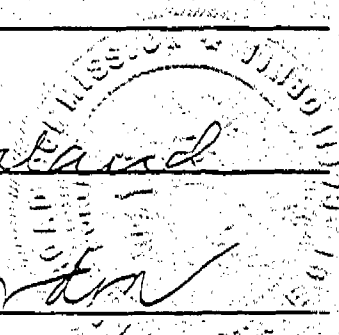
1- Beginning at a point, on the westerly right-of-way line of this proposed road, which is 100 feet northerly from the intersection of the westerly line of this road with the northerly right-of-way line of Southern Pacific Company; thence southerly along the westerly right-of-way line of this road 100 feet to the point of intersection previously mentioned; thence westerly 100 ft. along the right-of-way line of the Southern Pacific Company to a point; thence in a northeasterly direction along a straight line to the point of beginning.

2- Beginning at a point, on the easterly right-of-way line of this proposed road, which is 150 feet northerly from the intersection of the easterly right-of-way line of this road with the northerly right-of-way line of Southern Pacific Company; thence southerly along the easterly right-of-way line of this road 150 ft. to the point of intersection previously mentioned; thence easterly 150 ft. along the northerly right-of-way line of the Southern Pacific to a point; thence in a northwesterly direction along a straight line to the point of beginning.

(5) 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, the public convenience and necessity demand such action.

The foregoing opinion and order are 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 2nd-  
day of July, 1915.

  
H. D. Loveland  
Geo. G. Gordon  
Edwin C. Esquith

Commissioners.