

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

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3399

COUNTY OF CALAVERAS,  
 Complainant,  
 vs.  
 SIERRA RAILWAY COMPANY OF  
 CALIFORNIA,  
 Defendant.

ORIGINAL

Case No. 910.

Chas. F. Snyder for complainant

Fletcher G. Flaherty for defendant

GORDON, Commissioner.

O P I N I O N.

This complaint, which was filed with the Commission on January 26, 1916, and is the outgrowth of an informal complaint, alleges that the railroad line which the defendant company operates between Jamestown and Angels, crosses a county road at a point near the south boundary of Section Fourteen, in Township Two North of Range Thirteen East of Mount Diablo Base and Meridian, County of Calaveras, in such a manner as to make the crossing dangerous and inconvenient to travelers and to constitute a public nuisance. Complainant asks the Commission to order defendant to construct a grade separation here in lieu of this crossing.

The service of the Sierra Railway Company over this line consists of one regular train each way per day and two or three extra trains per month. The operation of trains is carried on at an exceedingly slow speed and over the crossing in question road traffic is not excessive. The grade of approach on the down-hill side is about 19 per cent, and is steep enough on the up-hill side so that vehicle traffic moves across it at very slow speed. It developed at the hearing that no accident has ever happened at this crossing.

To abolish the grade crossing and separate grades at this point it will be necessary to use grades of approach as steep as

10 per cent and even with these approaches no favorable alignment can be secured and the cost of the grade separation will amount to some \$8,000. Several witnesses were of the opinion that if the present grade of approach of 19 per cent on the down-hill side of the crossing were reduced to 12 per cent, this crossing would be satisfactory in its present location. My own judgment confirms this opinion. The present road on which this crossing is located is the main road between Angels, and Jamestown and Sonora. It was built many years ago, is unimproved and has many steep grades and sharp curves. The best subway which could be secured, as I have said, would have steep grades and poor alignment and I am satisfied that it would not long serve its purpose. I am, therefore, unwilling to recommend an order requiring an expenditure of \$8,000. for the construction of a subway.

It is the belief of the complainants that before the railroad was built the grade at the site of the crossing was no greater than that which exists at other places on this road and that the railroad company should, therefore, bear the entire expense of making such changes in the grades of approach as are necessary. Defendant denies that it materially increased these grades when its line was built and believes that the county should bear a portion of any expense to be incurred.

The railroad was built some fourteen years ago and it is impossible at this date to determine the condition of the road at that time. And it is not of great importance. Conditions have existed as they are today since the road was built, and now that they should be improved there seems to be no reason why both parties should not share in the expense.

It was estimated that a twelve per cent grade could be secured, toward Angels from the crossing, for some distance down the hill, at a cost of \$700. A road on this grade would very much relieve the dangerous condition complained of but it would still be necessary for vehicles to cross the tracks at slow speed and would not introduce a new element of danger on that account.

I believe that this work should be done by the county and that the railroad company should pay to the county one-half of the estimated cost of this work, or \$350., when it is completed. The crossing should remain in its present location and there should be at least 50 feet of a grade not exceeding four per cent on the down-hill side of the grade and the next 300 feet should not exceed a grade of twelve per cent. Except for these I believe no further conditions should be imposed by the Commission.

I recommend the following form of order:-

O R D E R.

COUNTY OF CALAVERAS having filed with the Commission a complaint against a crossing of the Sierra Railway Company of California with a county road, hereinbefore described, and a hearing having been held, and the Commission having found that the conditions complained of can and should be remedied in the manner outlined in the foregoing opinion; and the Commission further believing that the Sierra Railway Company of California should contribute a portion of the cost of the construction necessary, subject to certain conditions,

IT IS HEREBY ORDERED that when the County of Calaveras shall have improved this crossing in such a manner that the grades of approach on the side of the crossing toward Angels shall not exceed four per cent for the first fifty feet and twelve per cent for the next three hundred feet the Sierra Railway Company of California shall pay to the County of Calaveras the sum of \$350. as its share of the expense of this construction.

IT IS HEREBY FURTHER ORDERED, That the Commission reserves the right to make such further orders regarding the crossing involved in this complaint as may appear to it to be right and proper.

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 5<sup>th</sup> day of June 1916.

W. D. Howland

Alvin Gordon

Edwin O. Edgerton

Frank R. Deben

Commissioners.