

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

Decision No. 3403

In the matter of the application of)
BOARD OF SUPERVISORS of Tehama County,)
California, for permission to construct)
a road in Road District No. 4 of Tehama)
County, at grade over the tracks of)
Southern Pacific Company.)
.....)

Application No. 2263.

W. E. Samson, for applicant

C. J. McDonald, 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 crossing sought in this application is on a road in Township 24 North, Range 3 West, M.D.B. & M.; is about two miles north of Kirkwood, three miles south of Corning, and is known as Flournoy Avenue. There is a well graded county road located east of the track of Southern Pacific Company and at this point it is parallel and adjacent to the railroad's right of way. There is also a north and south road one-quarter of a mile west of the railroad which parallels the track north of the proposed crossing, and the state highway runs north and south one mile west of the crossing. There are no public crossings between Kirkwood and a point three and one-half miles north and those desiring to go from one side of the railroad to the other frequently have to drive several miles further than necessary on that account. It is to secure relief from this situation that this

application for a grade crossing has been brought before this Commission.

At the hearing it was made clear that the only practical way in which this detour or the use of private crossings could be avoided was to grant a grade crossing near the point mentioned in the application. It is necessary in a number of cases for school children living on the west side to cross the track in order to attend the Maywood School which is located about one mile north and one-half mile east of the proposed crossing. This crossing will not entirely relieve this situation and a readjustment of the school district lines seems to be the only feasible solution to this situation. Four members of the Board of Supervisors and a number of the residents of the district near the proposed crossing were present, and practically all were in favor of its construction at this point, and I believe it is reasonable that the crossing should be permitted.

The crossing is located on a one degree curve and in a slight cut, the waste banks of which are from two to three feet in height and will obstruct the view of approaching trains to some extent. This waste material can be removed at slight expense and trains will then be in view of those crossing the track for over one-half mile in each direction. This view of the track will be unbroken when within 100 feet of the crossing and I do not believe it is necessary to place a warning signal at this point at the present time.

It is the policy of the Commission to keep the number of grade crossings in the State, as far as it consistently can, from being increased, and to open only those that are really necessary to serve the public convenience. In investigating this crossing those adjacent were considered and it was found that the private crossing known as the "Davis" crossing, and located one mile south of the one to be opened, has been used more or less as a public crossing for a number of years by residents in this locality. Mr. Davis stated as a witness that he would have but little use for this crossing if the one applied for was constructed and would not object to its being closed. This would cause the few that would continue to use it to go to the crossing applied for herein and would afford

them better protection.

I recommend the following form of order:-

O R D E R.

BOARD OF SUPERVISORS of Tehama County, California, having applied to the Commission for permission to construct a public road at grade across the tracks of Southern Pacific Company, in Road District No. 4, Tehama County, California, 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 is hereby granted Board of Supervisors of Tehama County to construct a public road at grade across the tracks of Southern Pacific Company at the point and in the manner more particularly described in the foregoing opinion and subject to the following conditions and not otherwise, viz.:-

(1) The entire expense of constructing the crossing shall be borne by applicant.

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

(3) Said crossing shall be constructed of a width not less than twenty (20) feet, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(4) Applicant shall, at its own expense, remove the excavated material from the edge of the cut in such a manner as to give an unobstructed view of approaching trains.

(5) The private crossing located one mile south of this crossing and known as the "Davis" crossing shall be closed for public use.

(6) 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 5th day of

June, 1916.

A. S. Loveland

W. H. Gordon

Edwin C. Edgerton

Frank R. Decker

Commissioners.