

Decision No. 3541-

ORIGINAL

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
BOARD OF SUPERVISORS of Tehama County,
California, for permission to construct
a road in Road Districts Nos. 2 and 5
of Tehama County, at grade over the
tracks of Southern Pacific Company.

} Application No. 2126.
}

A. M. McCoy for Samson & Thompson,
H. C. Kauffman for Board of Supervisors of
Tehama County,
J. J. Mooney for Protestants,
C. J. McDonald for Southern Pacific Company.

GORDON, COMMISSIONER.

O P I N I O N.

This application was filed on March 10, 1916, under section 2694 of the Political Code as amended January 2, 1912. A hearing was held on April 6, 1916 at Red Bluff and on May 1st the Commission issued its order, Decision No. 3302, granting the application under certain conditions, one of which was the abandonment of the public road crossing on the Mooney Road about one-half mile south of this proposed crossing. Several protests were received by the Commission against the abandonment of the Mooney crossing and on June 2, 1916, the Board of Supervisors of Tehama County asked for a rehearing in the matter. The Commission thereupon vacated the order previously made and ordered a rehearing, which was held at Red Bluff on June 7, 1916.

The previous opinion, Decision No. 3302, described in a general way the location of the roads and the railroad at the proposed crossing and in its vicinity and it will not be necessary to repeat that description here; but the second hearing made it clear that there were certain conditions which were not fully brought out at the first hearing. The Board of Supervisors, at that time, were of the opinion that the Mooney road could be closed with but very little inconvenience to those who live near it, while at the second hearing it developed that during certain seasons of the year, the Mooney crossing was the only one of those in the neighborhood not rendered inaccessible on account of high water on the roads leading to them.

The evidence on this last point is so convincing that I am satisfied the protestants were justified in opposing the closing of the Mooney crossing; so the matter stands as it did before the first hearing. The point to be decided is: will the construction of this proposed crossing be of sufficient convenience to the residents of this section of Tehama County to offset the danger and hazard that the opening of a grade crossing always brings.

If this proposed crossing were considered alone the necessity for it on the part of the several ranchers, who live between the railroad and the river, and who have no route to a public road is possibly great enough to lead me to recommend the granting of this application. There are, however, other considerations. South of the proposed crossing the

public crossings are spaced less than three-quarters of a mile apart, while to the north the nearest crossing is several miles distant. In the future there is no doubt that crossings will be wanted in this long distance, and one located at almost any point one or two miles north of the proposed crossing would better serve the convenience of those who are interested in this application than would the one here applied for. To use this crossing all traffic, except that from the Samson & Thompson ranch, would first have to go south, then west to the State Highway and then to the north. With a crossing farther north no detour would be necessary.

While the opening of a road further north would increase the expense of securing an outlet it seems to me it would be a mistake to grant this application and thus establish a new crossing which would be of small benefit to the community in general and would, possibly in a year, become of no use by the construction of a crossing north of it.

I recommend the following form of order.

O R D E R.

Board of Supervisors of Tehama County having applied to the Commission for permission to construct a road in Road Districts Nos. 2 and 5 of Tehama County, at grade over the tracks of the Southern Pacific Company and a public hearing having been held and it appearing that a crossing in this vicinity, but in another location, would better serve

public convenience and would make unnecessary additional crossings in the future,

IT IS HEREBY ORDERED, That this application be and the same hereby is denied.

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
26th day of July, 1916.

Wm. Shelton
W. H. Howard
John A. ...

Francis R. Decker

Commissioners.