

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA:

Decision No. 3719

In the matter of the application of COUNTY OF TULARE for permission to construct a crossing of a public highway over a railroad of The Atchison, Topeka, and Santa Fe Railway Company at a point on the east line of the southeast quarter of the northwest quarter of Section 9, in Township 16 South, Range 24 East, Mt. Diablo Base and Meridian, in the County of Tulare, State of California.

Application No. 2175.

In the matter of the application of the COUNTY OF TULARE for permission to construct public highway crossing over the tracks of The Atchison, Topeka, and Santa Fe Railway Company at a point in Section 5, in Township 21 South, Range 23 East, Mt. Diablo Base and Meridian, and in Section 32, in Township 20 South, Range 23 East, Mt. Diablo Base and Meridian.

Application No. 2461.

In the matter of the application of the COUNTY OF TULARE for permission to construct public highway crossing over the tracks of The Atchison, Topeka, and Santa Fe Railway Company at the Station of Blanco.

Application No. 2466.

In the matter of the application of the COUNTY OF TULARE for permission to construct public highway crossing over the tracks of The Atchison, Topeka, and Santa Fe Railway Company near the Station of Allensworth.

Application No. 2467.

In the matter of the application of the COUNTY OF TULARE for permission to construct public highway crossing over the tracks of The Atchison, Topeka, and Santa Fe Railway Company at the Station of Allensworth.

Application No. 2468.

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Frank Lamberson for applicant.
Robert Brennan for The Atchison,
Topeka, and Santa Fe Railway
Company.

GORDON, Commissioner:

O P I N I O N.

Of these five applications, four were filed with the Commission on July 27, 1916. The fifth, Application No. 2175, was filed on March 30, ¹⁹¹⁶ and was held in suspense pending the receipt of the other

four. Since the same county and the same railroad are interested in all of these applications they were heard together and can be covered by one opinion and order. It will, however, be convenient to discuss separately the crossings involved in each application.

Application No. 2175. This crossing is located about 1-1/2 miles from North Dinuba and one mile from Tokay, and is between these towns. The crossing is in a flat, fairly open country, and there is already a farm crossing about one hundred feet away from the crossing applied for, which can probably be closed if a public crossing is opened in the vicinity.

The view on the east side of the crossing is clear for a long distance. From the west the view to the north is open except for eucalyptus trees at one corner of the intersection, which obscure the view of the track for a length of about 70 feet along the proposed road. The view on the south side of the track is slightly obscured by small fig trees along the right of way.

The road on which this crossing is located was petitioned for by thirteen property owners in the neighborhood; and as the surrounding country is in a high state of cultivation, and this crossing is on a north and south road, which will eventually run entirely through the section and will add greatly to the convenience of those who live in the neighborhood, as well as the general public, I believe that this application should be granted. The trees at the intersection of the road and the railroad should be removed so that a clear view can be had of approaching trains, and the crossing should be constructed

at right angles to the track, instead of at an oblique angle as proposed. The Railroad Company agreed to install an automatic flagman.

Application No. 2461. This proposed crossing is located at Waukena and, as laid out, will be between a beet dump and the station building of the railroad company both of which would form obstructions to the view. There is a crossing at the present time some 800 feet east which, although nominally a private crossing, has probably become a public one by continuous use. In any event, it could not very well be closed and of the two crossings, the one now open and the one proposed, the former is in my opinion by far the safer. It crosses but one track against three on the proposed crossing and there are no obstructions to the view.

As the roads in the vicinity are now located the present crossing does not serve the public as conveniently as it should, and probably not as conveniently as the proposed crossing would. It appears, however, that with a road constructed on the southerly side of the Sante Fe tracks to connect the road which now crosses at the private crossing with the roads which center at the proposed crossing, all traffic will be conveniently cared for for some time to come.

The representatives of the railroad company agreed to donate right of way for such a road, and with the understanding that this will be done, I shall recommend that this application be denied.

Application No. 2466. The crossing applied for herein is at Blanco. At the present time there is a crossing located about 300 feet south of the section line, which it is proposed to abandon if this application is granted. The crossing applied

for has been in use for a number of years and is needed, as there are a large number of school children living on the east side of the track who wish to go to the Riverside School, located about 1/4 mile west of this crossing on the section line. There is a crossing located on the county line one mile north of this crossing, but the road leading to it is at times impassable on account of the overflow from the Tule River. The nearest crossing to the south is on the section line two miles distant. The proposed crossing is in an open country and the view is clear for 1/4 mile to the north and 1/2 mile to the south when within 1000 feet of the crossing. From the west the view is open for 1/2 mile from the north and over one mile from the south when the same distance away.

The track at this point is located on a fill about 3 feet in depth and with the exception of a small shelter there are no obstructions to break the view when close to the track. The siding to be crossed is very seldom used. The plans, as filed with the application, show that a crossing at an acute angle with the track is desired, while the railroad company desires a right angle crossing constructed. I am inclined to agree with the railroad company, and shall recommend that this application be granted provided the crossing is made at right angles.

Application No. 2467. This proposed crossing is located four miles north of the crossing covered by Application No. 2468 and is on the main east and west road through this district. The surrounding country is subject to overflow, and the county has graded a good road across the valley at this point. At the present time there is a highway crossing, which has been used for a number of years, located about 50 feet south of the

proposed crossing, which will be abandoned when the county road is constructed over the tracks. The nearest public crossing to the south is located four miles away, and the nearest crossing to the north is on the section line and is five miles distant. There is nothing to obstruct the view at this crossing for two miles in either direction either on the highway or on the railroad, and I shall recommend that this application be granted.

✓ As in the previous application, the plans show that this crossing is projected at an oblique angle with the track. I believe, however, that it should be built at right angles, ~~in conformity with the wishes of the railroad company~~, and the county expressed its willingness to do this.

Application No. 2468. The crossing to be considered in this application is located on the main east and west road and will be used by considerable through travel. The country is all subject to overflow during the heavy rains of the winter, and the county had graded the road on both sides of the track to a height sufficient to be above high water. The approaches when completed will, however, be practically level. This crossing is in open country and there is nothing to break the view of those approaching the track for two miles in either direction. The nearest public crossings are located four miles to the south, and two miles to the north, the latter crossing being located at Allensworth. This crossing is in the nature of a private crossing, being used to get to the warehouse on the east side of the track, and it is not connected with any dedicated roads.

I shall recommend that this crossing be granted as I believe it is badly needed, and I do not believe that any protection will be required at this point for many years to come. As in the two previous applications, the crossing to be constructed should be made at right angles to the track.

I recommend the following form of order:

O R D E R.

J
TULARE COUNTY having applied to the ^{Railroad} Commission for permission to construct five public highways at grade over the tracks of The Atchison, Topeka, and Santa Fe Railway Company, and a public hearing having been held; and it appearing to the Commission that permission should be granted the applicant to construct four of these highways at grade, but that permission to construct one highway applied for should be denied,

IT IS HEREBY ORDERED, That permission be, and the same hereby is, granted the County of Tulare to construct the following crossings at grade over the tracks of The Atchison, Topeka, and Santa Fe Railway Company, as shown by their maps attached to the applications.

1. A public highway crossing on a north and south county road located in the center of Section 9, Township 16 South, Range 24 East, M. D. B. and M. (Application No. 2175).

2. A public highway crossing on an east and west road located between Sections 5 and 8, Township 22 South, Range 23 East, M. D. B. and M. (Application No. 2466).

3. A public highway crossing on an east and west county road between Sections 29 and 32, Township 23 South, Range

24 East, M. D. B. and M. (Application No. 2467).

4. A public highway crossing on an east and west highway between Sections 15 and 22, Township 24 South, Range 24 East, M. D. B. and M. (Application No. 2468).

All of the above to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings shall be borne by applicant. The expense of their maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by applicant, except those portions between the rails of the railroad company and to a distance of 2 feet outside thereof, which shall be borne by The Atchison, Topeka, and Santa Fe Railway Company.

(2) The crossings shall be constructed of a width of not less than 20 feet, with grades of approach not exceeding four (4) percent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The crossings shall be constructed in such a manner as to make the crossings and their approaches at right angles to the tracks of the railroad company.

(4) Permission to construct crossing No. 1 is granted only upon the condition that applicant will, at its own expense, remove all of the trees adjacent to the crossing included within a triangle, the two sides of which shall be 100 feet in length measured along the right of way fence of the railroad company

and the boundaries of the county road. The Atchison, Topeka, and Santa Fe Railway Company shall, at its own expense, install an automatic flagman to protect this crossing.

(5) Crossing No. 2 is granted upon the express condition that the existing crossing about 300 feet south of the proposed crossing shall be permanently closed to public travel.

(6) Crossing No. 3 is granted upon the express condition that the existing highway crossing located about 50 feet south of the proposed crossing shall be permanently abandoned to public travel.

IT IS HEREBY FURTHER ORDERED, That Application No. 2461 covering a proposed crossing at Waukena be, and the same hereby is, denied.

The foregoing opinion and order are hereby approved and order filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 28th day of Sept., 1916.

Max Thelen
H. H. Ireland
W. G. Jones
Frank R. Decker

Commissioners.