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Decision No. _____

ORIGINAL

Decision No. 2897

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA

In the matter of the application
of the BOARD OF SUPERVISORS of
the County of Stanislaus, State
of California, for a crossing
over The Atchison, Topeka and
Santa Fe Railway Company's right
of way near Denair, California.

Application

No. 2344.

J. M. Cross for applicant.
E. T. Lacey for The Atchison, Topeka
and Santa Fe Railway Company.

By the Commission.

O P I N I O N

This application was filed on June 8, 1916,
under Section 43 of the Public Utilities Act, and a
public hearing was held at Denair on October 3, 1916.

The crossing applied for in this application
would join the east and west road running along the
township line between Townships Four and Five South,
West of The Atchison, Topeka and Santa Fe Railway and
the Denair-Hughson Highway, parallel with and on the

east side of the right of way of the railway company. There is also a road which is not dedicated running east of the railway right of way along the township line for about a mile and a half. At present there is a private crossing with gates about one hundred feet north of the crossing applied for. This private crossing connects the two roads first mentioned by means of a short meander through the fields. From the testimony at the hearing and from an inspection in the field, this private crossing appears to be used quite frequently.

The surrounding country is cut up into small holdings and is highly cultivated, which leads to a very considerable amount of teaming during the harvest season. It appears from the testimony that the nearest crossings on each side of the crossing applied for, namely, 3,230 feet northwest and 2,390 feet southeast, while open to public travel are not on dedicated county roads, and that the nearest county roads are one mile north along the north line of Sections 31, 36, et cetera, and about one-half mile south along the north line of the town of Denair. The lack of public roads in this vicinity causes a good deal of inconvenience in hauling produce from the west side of the track into Denair, and from the east side into Turlock. Owing to the fact that there is no railroad crossing on the county road along the township line, this road has not been improved and is at present a mere wagon trail.

An inspection made of the proposed crossing and vicinity by one of the assistant engineers of the Commission showed a long line of medium size eucalyptus trees along the northerly side of the road to the west of the crossing, which completely shuts off the view of the railroad track to the north. In addition to these trees there are also three willow trees about three hundred feet south of the crossing and just west of the railroad right of way fence, which obscure the view to the south somewhat. There is also a growth of trees between the railroad and the Denair-Hughson road on the highway right of way several hundred feet south of the crossing. A telephone pole stands in the middle of the road on the west side of the crossing.

The Atchison, Topeka, and Santa Fe Railway objected to the granting of this crossing on account of the close proximity of other crossings and the additional hazard of accidents, and they asked that the crossing be protected by an automatic flagman. Thirteen passenger trains go through Denair daily, only five of which stop at the station. There are in addition several freight trains. In spite of these facts we believe the crossing is needed and that this application should be granted, subject to the following conditions.

O R D E R

STANISLAUS COUNTY, California, having applied to the Commission for permission to construct a public road at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company near the town of Denair, in said county, as shown on the map attached to the application;

And a public hearing having been held, and it appearing to this Commission that this application should be granted, subject to certain conditions,

IT IS HEREBY ORDERED that permission be, and the same hereby is, granted Stanislaus County, California, to construct a public highway at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company at the point and in the manner applied for, and subject to the following conditions and not otherwise;

1. The entire expense of constructing the crossing, including the moving of the poles and the installation of an automatic flagman, shall be borne by the applicant.

2. The expense of maintaining the crossing up to a line two (2) feet outside the rails of The Atchison, Topeka and Santa Fe Railway Company shall be borne by applicant.

3. The expense of maintaining the automatic flagman, and also the crossing between the rails and to a line two (2) feet outside thereof, in first class

condition, shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

4. The 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.

5. The line of eucalyptus trees on the north side of the county road west of the crossing shall be cut back for at least three hundred (300) feet from the railroad's right of way line. The willow trees just west of the railroad's right of way fence at about three hundred (300) feet south of the crossing, and the trees along the west side of the Denair-Hughson Highway between the railroad's right of way and the road and several hundred feet south of the crossing, shall also be removed previous to the opening of the crossing.

6. The Atchison, Topeka and Santa Fe Railway Company shall not permit any tall crops, such as would obscure the view of the tracks, to be grown on the railroad's right of way within one thousand (1,000) feet of the crossing.

7. 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.

Dated at San Francisco, California, this 25th
day of November, 1916.

H. L. Cleveland
Chas. Gordon

Frank R. DeBruin

Commissioners.