

ORIGINAL

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 4281

In the matter of the application of)
SAN JOAQUIN COUNTY for permission to)
cross the right-of-way of the) Application No. 2556.
Southern Pacific Company with a high-)
way, in the town of Peters.)
.....)

George M. French, Supervisor, for applicant

George D. Squires, for Southern Pacific Company

GORDON, Commissioner,

O P I N I O N.

This application was originally filed September 22, 1916. It was accompanied by an easement from the Southern Pacific Company and was granted by the Commission in an ex parte order dated October 5, 1916 (Decision 3764). One of the conditions in the easement which the County accepted was that an existing crossing about 480 feet east of the crossing applied for should be closed to public travel and this was made a condition in the Commission's order. After the terms of the order became known a petition, signed by farmers and tax payers in the vicinity of the crossing it was proposed to close, was sent to the Supervisors of San Joaquin County, protesting against the abandoning of that crossing and the Supervisors asked the Commission's permission to modify its order and permit both crossings to remain open. After some attempt to adjust the matter by correspondence a formal hearing was decided upon. This hearing was held on April 25, 1917.

The proposed crossing is on the extension of a north and south county road known as the Coggswell Road through the unincorporated town of Peters. The existing crossing is on a road parallel to the proposed road and is about 480 feet east of it. The Oakdale Branch of the Southern Pacific Company runs through the town of

Peters in a direction almost east and west to a point immediately west of the proposed new road where it swings to the south. The Milton Branch runs about east and west and joins the Oakdale Branch where that line commences to turn south. At the proposed crossing the two branches are about 25 feet apart while at the one now in use they are nearly 350 feet apart - a distance great enough to make them practically independent crossings. In addition to these two lines a loading track crosses both roads. It leaves the Oakdale Branch some 800 feet west of the proposed highway and is on the southerly side of the Oakdale Branch throughout its length. It is about 150 feet south of the proposed crossing and 100 feet south at the crossing now used.

The Town of Peters is the shipping center for a large section devoted to grain farming, but a portion of the land adjacent to the town has been divided into 10 and 20 acre tracts during the last few years which are now planted with fruits and berries or used for poultry raising, and this produce also will be sent to market in Peters.

As most of the colonists live on or near the Coggswell Road the projected crossing would be the most convenient for them to use in going to and from their shipping point as well as reaching the two general stores located at Peters. The grain farmers, however, consider the existing road as the more convenient of the two as it affords them better access to the loading track and, by approaching it from that highway, there is ample room for them to turn their six and eight horse teams and the tractors with which they haul their grain to load in cars.

If the Coggswell crossing were opened and the existing crossing closed, as the situation now stands, it is clear they would be put to considerable inconvenience. It is possible, however, to open the Coggswell Road and close the crossing of the Oakdale and Milton Branches and still leave the loading track as

convenient of access to the grain farmers as it is at present.

The road leading to the existing crossing from the south parallels the railroad's right-of-way for some distance before it turns north and crosses it. To continue this highway to the new crossing it would be necessary only to secure a right-of-way approximately 500 feet long and to grade a road for that distance. If this were done, and the crossing of the loading track on the present highway remains open, the portion of the road which crosses the two branch railway lines can be closed. The necessary right-of-way to make this change can be secured for about \$70.00.

As two crossings so close together in a community as small as Peters are scarcely justified, unless traffic is much greater than it appears to be here, this is a very cheap and satisfactory way to accommodate the public and at the same time eliminate one grade crossing for, as I have said, on the present road the Milton and Oakdale Branches are so far apart that they constitute independent crossings.

The expense of making these adjustments in the roads will be comparatively small and both parties will benefit by them.

As the railway company will have one less grade crossing to maintain and protect and its station grounds will be relieved of a highway ^{through} their center it seems to me equitable to depart from the usual policy of requiring ^{an} applicant for a grade crossing to stand the entire expense of constructing it. It was estimated that it would cost about \$75.00 to place the tracks in condition for the new crossing and as this is about the cost of the right-of-way needed for the proposed road to connect the two crossings I believe the railroad company should be required to do the work on its tracks and the county to secure the land and open up the connecting road. The county, of course, should pay the other usual expenses and the railroad company should make any improvements necessary in the station grounds to permit the large teams easily to reach the loading

track both from the east and the west.

Although the order which I recommend in the following paragraph is in substance the same as the ex parte order previously made, some of the conditions will be changed, and I believe it better to revoke the permission contained in that order so the record will be clear and complete in this one opinion and order.

I recommend the following form of order:-

O R D E R.

SAN JOAQUIN COUNTY, CALIFORNIA, having applied to the Commission for permission to construct a public highway at grade over the track of Southern Pacific Company, in the unincorporated town of Peters, and the Commission having granted this permission ex parte and having later held a hearing upon the application, and it appearing that the former order should be set aside and a new order made granting the application under certain conditions,

IT IS HEREBY ORDERED, That the permission heretofore granted San Joaquin County to construct this crossing at grade (decision 3764) be and the same hereby is revoked.

IT IS HEREBY FURTHER ORDERED, That permission be and the same hereby is granted San Joaquin County, California, to construct a public highway crossing at grade over the tracks of Southern Pacific Company at approximately Engineer's Station 612 plus 50, and described as follows, to wit:

Being an extension of the extension of the E. B. Coggswell Road 40 feet wide, the center line of which extends along the half section line north and south through Section 36, Township 2 North, Range 8 East, M.D.B. and M., across the right of way of the Southern Pacific Company where said right-of-way crosses said half section line in the town of Peters, San Joaquin County, California.

All of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz.:-

(1) The crossing located approximately 480 feet east of the crossing granted in this order, except the crossing over the loading track, ^{which} shall remain open, shall be legally abandoned as a public road and shall be closed to travel contemporaneously with the crossing herein authorized.

(2) The entire expense of constructing and maintaining the crossing at grade shall be borne by applicant except for those portions between the rails and for distances of two (2) feet outside thereof which shall be borne by Southern Pacific Company.

(3) The County shall secure the necessary right-of-way and construct at its own expense a sixty (60) foot road on the southerly side of the right-of-way of Southern Pacific Company to connect the existing crossing with the crossing herein authorized.

(4) 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 suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(5) The Commission reserves the right to make such further orders relative to the location, construction, 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.

April Dated at San Francisco, California, this 30th day of April, 1917.

Max Thelen
W. H. Boardman
W. H. Boardman
Edwin O. Edgerton

Commissioners.