

ORIGINAL

Decision No. 11515

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
the TOWN OF DUNSMUIR for permission) Application No. 2643.
to establish a grade crossing.)
.....)

- F. M. Walker, for applicant
- Geo. D. Squires, for Southern Pacific Company
- C. O. Clark, for E. Scherrer, Protestant

GORDON, Commissioner.

O P I N I O N

In this application the Town of Dunsmuir seeks permission to establish a grade crossing at a point east of Edyth Street over the tracks of Southern Pacific Company. It was the original intention of the City to secure the opening of this proposed crossing and to abandon an existing crossing about 700 feet north. A protest, however, was received against closing the existing crossing and the application as finally presented to the Commission asked only for the opening of the new crossing. The application states that the town desires the opening of the new crossing for the reason that the present grade crossing is dangerous and is a menace to the public safety, and applicant believes that if the new crossing is established it will be used by the general public in preference to the present crossing with a consequent increase in the general safety of the crossing situation in the town.

On the east side of the track between the crossing now in existence and that proposed there are several houses and barns owned by Mr. Sherrer, the protestant, whose protest, however, extends only to the existing crossing and not to the opening of a new one. If the present crossing were closed Mr. Scherrer's tenants would be

obliged to make a detour of several hundred feet going to and from the town.

It is clear to me that two crossings are not needed over the railroad in this vicinity as close together as the proposed crossing and the existing crossing, and of the two there is no doubt as to which is the safer; the present crossing is on a sharp curve where the views in two directions are badly obscured, while the proposed crossing is on a straight track and is located in such a manner that good views can be obtained by drivers of vehicles when approaching from either direction.

I agree with applicant that possibly the establishment of a new crossing without closing the old would add to the safety of those who use those crossings, but in my opinion the existing crossing is so exceedingly dangerous that it should be abandoned, and the convenience of the few people who live between the two crossings on the east side of the track is certainly not great enough to permit the continuation of this hazard. Several schemes have been proposed whereby the importance of both of these crossings can be minimized but the details have not yet been worked out. For that reason I am now unwilling to recommend an order in this matter reaching further than the crossing proposed and the one now in existence. I believe that the officials of the town of Dunsmuir will agree with me that at this time the present crossing should be closed and the new crossing established so that conditions can be made as safe as possible until the whole situation has been developed.

I recommend the following form of order:-

O R D E R

TOWN OF DUNSMUIR, having applied to the Commission for permission to construct a crossing at grade east of Edyth Street, as shown by the map attached to the application, and a public hearing

having been held, and it appearing to the Commission that this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That permission be and the same is hereby granted to the Town of Dunsmuir to construct its proposed crossing over the tracks of Southern Pacific, in the manner prescribed in the application and shown on the map attached to same, subject to the following conditions:

(1) The existing grade crossing approximately 700 feet north of the proposed crossing shall be legally closed and abandoned as a public highway crossing.

(2) The entire expense of constructing this crossing together with the cost of its maintenance thereafter shall be borne by applicant, except for the expense of maintaining the crossing between the rails and to a distance of two (2) feet outside thereof which shall be borne by Southern Pacific Company.

(3) 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.

(4) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as it may seem right and proper, and to revoke its permission if, in its judgment, 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, 6th day of August, 1917.

Max Theiler
Howard
W. Gordon
Edwin O. Edgerton
Stanley R. Nelson
Commissioners