

Decision No. 6211.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the )  
COUNTY OF TULARE for permission to con- )  
struct a crossing of a public highway )  
over a railroad of the Southern Pacific )  
Company and the Southern Pacific Railroad ) Application No. 4353.  
Company, on the North line of the Southwest )  
Quarter of Section 14, Township 22 South, )  
Range 27 East, Mt. Diablo Base and Meridian. )

W. W. Middlecoff, Deputy District Attorney  
for Tulare County.

Frank B. Austin, for the United States  
Railroad Administration and the  
Southern Pacific Company.

F. M. Worthington, for the United States  
Railroad Administration and  
the Southern Pacific Company.

MARTIN, Commissioner.

O P I N I O N

On January 30, 1919, the County of Tulare filed with the Commission an application asking permission to construct a crossing at grade over the tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the North line of the Southwest Quarter of Section 14, Township 22 South, Range 27 East, Mt. Diablo Base and Meridian, about four miles north of the Town of Terra Bella, on the Fresno-Famosa Branch of the Southern Pacific Company. On March 12, 1919, a hearing was held at Visalia, California, at which both interested parties were represented.

A field inspection shows that there is a private crossing at the location of the crossing applied for, the gates of which appear to have been left open for a considerable length of time.

The nearest public crossings are about eight hundred forty (840) feet north and two and one-half (2½) miles south of this point.

The county road leading up to this crossing from the east of the railroad tracks appears to be well-traveled.

The country in this vicinity is rapidly settling up and is being planted to orange groves.

The main paved county highway runs along and parallel to the westerly line of the railroad right of way, and this crossing is necessary in order to reach the highway from the east.

It was testified that this crossing would be more convenient to residents of this section than the crossing eight hundred forty feet northeast of this point. It appears that the latter might well be closed if the proposed crossing is opened.

The United States Railroad Administration, operating the Southern Pacific Company, has no objection to the granting of the application, provided that the crossing about eight hundred forty (840) feet to the north be closed to public travel.

The open view to be had in the vicinity of the crossing renders a standard crossing sign ample protection at the present time.

I recommend the following form of order:

O R D E R

COUNTY OF TULARE having applied to the Commission for permission to construct a crossing at grade over the right of way and tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the North line of the Southwest Quarter of Section 14, Township 22 South, Range 27 East, Mt. Diablo Base and Meridian, as shown on the map attached to the application; a public hearing having been held and the Commission being fully apprised in the premises;

IT IS HEREBY ORDERED, That the County of Tulare be and the same is hereby authorized to construct a crossing at grade across the right of way and tracks of the Southern Pacific Company and the Southern Pacific Railroad Company, on the North line of the Southwest Quarter of Section 14, Township 22 South, Range 27 East, Mt. Diablo Base and Meridian, about four miles North of the Town of Terra Bella, on the Fresno-Famosa Branch of the Southern Pacific Company, County of Tulare, State of California, as shown by the map attached to the application; said crossing to be constructed subject to the following conditions and not otherwise:

(1) The present public crossing about eight hundred forty (840) feet northeast of the crossing applied for shall be fenced and closed to public travel.

(2) The cost of closing and fencing this crossing shall be borne by the applicant.

(3) The entire expense of constructing the crossing applied for, with necessary cattleguards etc., shall be borne by the applicant. The cost of its maintenance thereafter in good and first-class condition, for the safe and convenient use of the public, shall be borne by the applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be borne by the Southern Pacific Company and the Southern Pacific Railroad Company.

(4) Said crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not to exceed 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 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.

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 22<sup>d</sup> day of March, 1919.

Edwin O. Edgerton  
H. S. L. ...  
Frank R. ...  
H. S. ...  
Living Martin  
Commissioners.