

Decision No. 1212.

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. 4179.
Company, on the North line of Section 23,)
in Township 19 South, Range 26 East, Mt.)
Diablo Base and Meridian, near the Sta-)
tion of Orangehurst, in said County.)

W. W. Middlecoff, Deputy District Attorney
for applicant.
Frank B. Austin for United States Railroad
Administration.
F. M. Worthington for United States Railroad
Administration.

MARTIN, Commissioner.

O P I N I O N

This is an application filed by the County of Tulare on October 25, 1918, in which said county asks permission to construct a crossing at grade over the tracks of the Southern Pacific Railroad Company and the Southern Pacific Company, on the north line of Section 23, Township 19 south, Range 26 east, Mt. Diablo Base and Meridian, near the Station of Orangehurst, in the County of Tulare, State of California. On March 12, 1918, a hearing was held at Visalia, California, at which both interested parties were represented.

The main county highway connecting the towns of Exeter and Lindsay is located on the east side of the railroad at this point, about one-half of a mile distant, and runs in a northerly and southerly direction. This highway has recently been paved and is very heavily

traveled. There is also an important north and south unpaved county road about one-half of a mile west of the proposed crossing. The railroad at this point runs about 25 degrees west of north in a northwesterly and southeasterly direction.

At the present time there is an east and west county road across the tracks of the Southern Pacific Company, one-half of a mile north of the crossing applied for, and a similar road with a grade crossing one-half of a mile south of the proposed crossing. These two roads connect the two north and south roads above-mentioned and give an outlet to the people west of the track to the newly paved highway east of the tracks, in both a northerly and southerly direction. The northerly outlet serves those going toward Exeter, and the southerly one serves those going to Orangehurst or Lindsay.

The proposed crossing will merely tend to serve a short local road; the people in the immediate vicinity west of the tracks will have a means of reaching the paved highway, which will save them, in some cases, about one-half of a mile of travel ^a on/dirt road instead of on a paved highway, and, in other cases, where they may have to double back, a quarter of a mile on a dirt road and a quarter of a mile on the paved highway. In these days of fast motor travel, both passenger and freight, the lack of this convenience does not appear to be a great hardship.

The proposed crossing is situated in a level country with open fields to the north. On the southeast corner of the crossing is a large, dense grove of eucalyptus trees and on the southwest corner is an orange grove and some poplar trees. There is no telling how long a time will elapse before the northerly corners of the crossing will be planted to orchards or other trees which will obstruct the view. This crossing would be dangerous and, if opened, should either have the

grove of trees on the southeast corner removed, or have an automatic flagman installed at the expense of the applicant.

In view of the fact that the proposed crossing would be very dangerous to travel and that it would serve merely as a convenience for local travel; and that public convenience and necessity do not warrant the establishment of such a dangerous crossing in this vicinity, I recommend that this application be denied.

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 across the tracks of the Southern Pacific Railroad Company and the Southern Pacific Company, on the North line of Section 23, Township 19 South, Range 26 East, Mt. Diablo Base and Meridian, as shown on the map accompanying the application; a public hearing having been held and testimony having been given; and it appearing from the facts that this application should be denied;

IT IS HEREBY ORDERED, That this application be and the same is hereby denied, without prejudice.

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^d day of March, 1919.

Edwin A. [Signature]
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners.