

Decision No. 6351.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
the COUNTY OF TULARE for permission )  
to construct a crossing of a public )  
highway over a railroad of the )  
Atchison, Topeka and Santa Fe Railway ) Application No. 4464.  
Company on the East Line of Section )  
14, Township 16 South, Range 24 East, )  
Mt. Diablo Base and Meridian, near )  
Sultana. )

W. W. Middlecoff, Deputy District Attorney,  
for applicant.

E. E. Ball, Division Engineer, for Atchison,  
Topeka and Santa Fe Railway.

MARTIN, Commissioner.

O P I N I O N

On March 26, 1919, the County of Tulare filed with the Commission an application asking permission to construct a crossing at grade over the tracks of the Atchison, Topeka and Santa Fe Railway Company on the East line of Section 14, Township 16 South, Range 24 East, Mt. Diablo Base and Meridian, near Sultana. On May 13, 1919, a public hearing was held at Visalia, California, at which both interested parties were represented.

The proposed crossing is located on a thirty-foot lane, known as "Lane B", between Sections 13 and 14, Township 16 South, Range 24 East. Lane B connects an east and west road running along the southern boundary of Sections 13 and 14 to the newly paved county highway between Dinuba and Orosi. This lane was formerly a private lane but has recently been taken over by the County as a public road and is to be improved in the near future. The crossing in question

is open, although a private crossing, and has been used by the public for many years. The land in the vicinity is cut into small holdings and it would undoubtedly work a hardship on the residents if this crossing were kept as a private crossing at this time and equipped with gates, instead of being allowed to remain open.

The United States Railroad Administration, operating the Atchison, Topeka and Santa Fe Railway Company, has no objection to the granting of the application, providing that the expense of improving the crossing be borne by the applicant.

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

The approaches to the railroad track on this crossing are, at the present time, very steep and rough and they should be filled in and leveled off for a considerable distance back from the point of actual crossing, so as to have the grades of approach at about four (4) per cent.

I recommend the following form of order:

#### O R D E R

The 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 Atchison, Topeka and Santa Fe Railway Company on the East line of Section 14, Township 16 South, Range 24 East, Mt. Diablo Base and Meridian, in the County of Tulare, State of California, as shown by 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 permission be and the same is hereby granted the County of Tulare to construct a crossing at grade over the right of way and tracks of the Atchison, Topeka and Santa Fe Railway Company on the East line of Section 14, Township 16 South,

Range 24 East, Mt. Diablo Base and Meridian, in the 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, viz.:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The expense 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 Atchison, Topeka and Santa Fe Railway Company.

(2) Said crossing shall be constructed of a width of twenty (20) feet, with grades of approach not to exceed four (4) per cent; shall be protected by a standard crossing sign, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) 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 23<sup>rd</sup> day of May, 1919.

Edwin O. Edgerton  
Harry A. ...  
Dwight ...

Commissioners.