

Decision No. 6356

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)
BOARD OF SUPERVISORS OF CONTRA COSTA)
COUNTY for permission to construct)
a road near Bixler, Contra Costa) Application No. 4545.
County, across the tracks of The)
Atchison, Topeka & Santa Fe Railway)
Company.)

A. B. Tinning, District Attorney of
Contra Costa County, for applicant.

O. R. West for Atchison, Topeka & Santa Fe
Railway Company.

BY THE COMMISSION.

O P I N I O N.

This is an application by the Board of Supervisors of Contra Costa County for permission to construct a crossing at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company, approximately half a mile east of Bixler, Contra Costa County.

A public hearing was held in this proceeding on May 17, 1919, before Examiner Bancroft.

From the evidence, it appears that a private crossing now exists at this point which is well constructed and safe so far as the physical crossing itself is concerned. There are, however, willows along both sides of the country road north of the crossing and also on both sides of the Railway Company's tracts, extending approximately 500 feet west of the site of the proposed crossing and on the north side of tracks extending approximately

500 feet east. A large cottonwood tree is situated at the northeast corner of the crossing. These willows and the cottonwood tree obstruct the view and should be removed in order to render the crossing safe.

It appears that the proposed crossing is to be made in connection with the laying out and opening of a public road fifty feet wide, the center line of which is particularly described as follows:

Commencing at a point on the line between Sections 10 and 11, Township 1 North, Range 3 East, Mount Diablo Base and Meridian, 25 feet south of the south line of the right of way of The Atchison, Topeka and Santa Fe Railroad; thence easterly parallel and 25 feet distant from said southerly line of said right of way 2240 feet to a point 400 feet westerly of the quarter section line running north and south through Section 14; thence southeasterly to a point on said quarter section line 225 feet south of the center line of said railroad; thence easterly parallel to and 225 feet distant from the center line of said railroad 800 feet; thence northeasterly 300 feet, more or less, to a point on the main levee of the Orwood Tract at Werner, 20 feet north of the north line of the Warehouse on said Orwood Tract at Werner; thence north along the center line of the levee to and across The Atchison, Topeka and Santa Fe Railroad 300 feet, more or less, to the north line of the right of way of said railroad.

It further appears that the proposed road is for the purpose of affording an outlet from the lands known as the Orwood and Palm Tracts, containing about 5500 acres of land, which tracts consist of reclaimed land, without any means of reaching the outside world except by railroad or boat. These tracts are being

farmed, but there is no town or other place north of the railroad where supplies can be had. When completed, this road will bring all the inhabitants on these lands in close touch with Knightson and other towns in Contra Costa County. The nearest present public crossing of the Santa Fe's right of way is about two miles west of the proposed crossing, while the nearest crossing to the east is approximately eleven miles distant.

The attorney for the Santa Fe Railway Company stated that his company had no objection to the proposed crossing, provided the County bears the usual expense of construction and maintenance.

The crossing will be above the level of the surrounding land and, when the trees are trimmed as directed in the order herein, there will be a clear view from the tracks of the Railway Company for approximately ^{half} a mile in either direction.

As the private crossing is already well constructed and is provided with a suitable crossing sign, there will be no need of requiring the installation of a new crossing or the erection of a new sign at present.

O R D E R.

The COUNTY OF CONTRA COSTA having applied to the Railroad Commission for permission to construct a crossing, at grade, over the right of way and tracks of The Atchison, Topoka and Santa Fe Railway Company, approximately half a mile east of the station of Bixler, Contra Costa County, as shown in the blueprint diagram attached to the application in this proceeding, a public hearing having been held and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED that the County of Contra Costa be and it is hereby granted permission to construct a crossing, at grade, across the right of way and tracks of The Atchison, Topeka and Santa Fe Railway Company, at the point hereinabove mentioned, said crossing to be constructed subject to the following conditions and not otherwise:

1. The willows on both sides of the tracks for a distance of 500 feet west, on the north side of the tracks for a distance of 500 feet east, and on both sides of the country road for a distance of 200 feet north of the proposed crossing of the Railway Company's right of way shall be trimmed or cut down at least to the level of the tracks and of the country road, and the cottonwood tree situated at the northeast corner of the proposed crossing shall be removed.

2. The entire expense of cutting down and trimming these trees and any work that it may be necessary to perform in connection with the construction of this crossing shall be borne by the County of Contra Costa.

3. The cost of the maintenance of this crossing in good and first class condition for the safe and convenient use of the public shall be borne by the County of Contra Costa, except that the cost of keeping said willows and other growth upon the Railway Company's right of way properly trimmed for a distance of 500 feet, both east and west of the crossing and of maintaining that portion of the crossing which lies between the rails of the company and two feet on either side of the same shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

4. Said crossing shall be constructed to a width of not less than 24 feet, with grades of approach not to exceed four 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 and shall be at right angles to the railroad track.

5. The Railroad Commission reserves the right to make such further orders relative to the location, construction, operation and maintenance and protection of the said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demands such action.

Dated at San Francisco, California, this 26th day
of May, 1919.

W. J. Loveland

Francis R. Doherty

H. B. Brundage

Erving Martin

Commissioners.