

Decision No. 6823.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the)
 BOARD OF SUPERVISORS OF SAN JOAQUIN)
 COUNTY for a grade crossing over the)
 Stockton, Terminal & Eastern Railroad) Application No. 4972.
 in Section 89 of Weber's Grant, San)
 Joaquin County.)

S. A. Carter, Deputy County Clerk, for Applicant.

MARTIN, Commissioner.

O P I N I O N

This is an application under Section 2694 of the Political Code, for authority to establish a public road crossing at grade over the tracks of the Stockton, Terminal and Eastern Railway in Section 89 of Weber's Grant, San Joaquin County.

The proposed crossing is located on an extension of an existing road which runs for a short distance due south from the county road known as the Waterloo road. This road extension hits the right of way of the railroad about 3170 feet from the Waterloo road and extends along the northwest side of the railroad on the outside of the right of way, which is on a 4° 30' curve, for about 875 feet to the quarter section line where the proposed crossing of the railroad is located. After crossing the railroad, the proposed road parallels the railroad on the east side of its right of way in a southerly direction, until it intersects with Fairchild lane.

As petitioned for, the proposed road will occupy bare land devoted to the growing of grain. The land on the west side of the railroad, south of the proposed crossing, is highly cultivated and is laid out in vineyards and cherry orchards.

The crossing applied for will require considerable filling of borrow pits, in order to reach the level of the railroad track. This work will be quite expensive. The estimates of the viewers show that there will be but little difference in the value of the land taken, in case the proposed road is continued to Fairchild lane, on the west side of the railroad right of way, instead of on the east side, as described in the petition. The increase in cost due to the taking of cultivated lands will be offset by the cost of the crossing. The report of the road viewers appointed by the Board of Supervisors and the engineering department of this Commission both recommend that the proposed road be run continuously along the west right of way line of the railroad, until it reaches Fairchild lane, thus doing away with the hazard of an additional grade crossing, which can easily be dispensed with without inconvenience or additional cost to the county. I recommend that the application be denied.

O R D E R

BOARD OF SUPERVISORS OF SAN JOAQUIN COUNTY having filed with the Railroad Commission a petition to said board by certain residents, requesting the location of a public highway at grade across the tracks of the Stockton, Terminal & Eastern Railroad, in Section 89 of Weber's Tract, San Joaquin County, California; and a public hearing having been held thereon and it appearing that a grade crossing is not necessary to the construction of the proposed

road, and that the public can be amply served without such an additional hazard to its safety;

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

Dated at San Francisco, California, this 6th day of November, 1919.

H. D. Loveland
Frank Devlin
H. R. Bundege
Dwight Martin
Commissioners.