

Decision No. 6841.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application  
of COUNTY OF TULARE for permission  
to construct crossing of a public  
highway over a railroad of The  
Atchison, Topeka & Santa Fe Rail-  
way Company on the center line of  
Section 5, Township 21 South, Range  
23 East, Mt. Diablo Base and  
Meridian, near Waukena.

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) Application No. 4794.  
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W. W. Middlecoff, Deputy District Attorney,  
for Applicant.

J. W. Walker and F. J. Heid, Jr., for  
United States Railroad Administration-  
Atchison, Topeka and Santa Fe Railroad-  
Coast Lines.

MARTIN, Commissioner.

OPINION

In this application, filed on July 30, 1919, the  
County of Tulare seeks permission to construct a crossing of  
a public highway over the tracks of the Atchison, Topeka and  
Santa Fe Railway Company, on the center line of Section 5,  
T. 21 S., R. 23 E., M. D. B. & M. A public hearing was held  
at Visalia on October 17, 1919, at which both interested  
parties were represented.

The crossing in question is located at right angles  
across the station grounds of the railroad company, at a point  
about 240 feet south of the telegraph office. The files of the  
Commission show that a crossing was applied for in practically

this same location in Application No. 2461, filed with the Commission on July 27, 1916, and that the application was denied in Decision No. 3719, rendered on September 28, 1916.

In accordance with recommendations made by the Commission in the decision referred to, a right of way for a road along the southerly side of the Santa Fe station grounds, from the proposed crossing to the existing crossing, about 900 feet east, was deeded by the railroad company to the County. This deed is on record in the Court House at Visalia and the strip of land is shown on the map attached to this application.

Testimony taken at the hearing and an inspection of the premises show that conditions in this vicinity have not changed sufficiently in the past three years to warrant a reversal of the decision rendered in September, 1916. The present road facilities, if properly improved by the County, should render adequate service to the people in this vicinity.

It is recommended that the application be denied.

#### O R D E R

COUNTY OF TULARE, having on July 30, 1919, filed an application with the Commission for permission to construct a crossing of a public highway over the tracks of the Atchison, Topeka and Santa Fe Railway Company, on the center line of Section 5, T. 21 S., R. 23 E., M.D.B. & M., Tulare County, California; a public hearing having been held thereon and it appearing that a grade crossing is not necessary at this point 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.

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 18<sup>th</sup>  
day of November, 1919.

Edwin O. Egerton

Albert S. ...

Frank R. ...

H. B. ...

Irvine Martin

Commissioners.