

Decision No. 6874.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
the COUNTY OF MADERA for highway  
crossing on the extension of Florence  
Avenue, in the Town of Chowchilla, to  
connect with the State Highway, over  
Southern Pacific right of way and  
railroad tracks. ) Application No. 4830.

B. F. Van Dyke and J. W. Butler for applicant.

Harry T. Hennessy for the Southern Pacific Company.

MARTIN, Commissioner.

O P I N I O N

This is an application filed by the County of Madera on August 6, 1919, for permission to construct a crossing at grade over the tracks of the Southern Pacific Company at Florence Avenue, in the Town of Chowchilla, Madera County. This crossing will connect Florence Avenue with the State Highway, which parallels the railroad on the east side of the right of way.

A public hearing was held at Chowchilla on October 16, 1919, at which all interested parties were represented.

The Chowchilla Ranch, consisting of 108,000 acres, has been cut up and opened to settlement during the past few years and it is estimated at present that some 2000 to 3000 people have been placed on this land, which is all tributary to the Town of Chowchilla. Recently another large acreage lying in Townships 9 and 10 South,

Ranges 14 and 15 East, has been acquired by the interests backing the Chowchilla Ranch, it being their intention to subdivide and settle this land, which lies in the north center of the original holdings.

The Town of Chowchilla lies to the west of the Southern Pacific tracks. At present the only outlet to the State highway is over Robertson Boulevard, a 100-foot improved street extending about ten miles southwest through the Chowchilla Ranch. The railroad crossing at Robertson Boulevard, while wide enough to amply care for existing traffic, is much higher than the surrounding land of the Southern Pacific Company's station grounds and is approached from the State highway to the east of the crossing by a steep grade.

Applicant testified that this crossing is blocked by all trains stopping at Chowchilla and, in addition, is sometimes blockaded by vehicles and trucks standing near the station waiting for trains, as this roadway is the only high ground in the vicinity of the depot.

The railroad company contends that the existing crossing at Robertson Boulevard will amply take care of all present needs of the town and ranch of Chowchilla and that distant travel over the proposed westerly extension of Florence Avenue and Washington Road will not be inconvenienced by having to use the present crossing.

The proposed crossing at Florence Avenue is located only a little over 500 feet north of the crossing at Robertson Boulevard and about 125 feet south of the southerly end of the railroad trestle over Ash Slough. This crossing will therefore always be the most northerly entrance to Chowchilla, as it is physically impossible to construct

any more crossings further north, on account of the location of Ash Slough. For the same reason, the view to the north of this crossing will probably always remain open. The view to the south, however, will be obscured by the Union Oil Company's plant and the railroad company's station facilities. The land in the vicinity of this crossing is only slightly lower than the railroad track and the grades of approach will be slight, while those at Robertson Boulevard are heavy. The crossing as proposed will cross three railroad tracks: the main line and two spur tracks. The applicant agreed to have the sand spur running northwest into Ash Slough removed, if the application is granted. This will leave only two tracks at this point.

It has generally been the policy of the Commission to refuse the opening of grade crossings in such close proximity to existing crossings as the proposed crossing is to the one at Robertson Boulevard. It is probably true that travel from some distance west of town could use the existing crossing without inconvenience and it is also true that Robertson Boulevard has not been improved for its full width of 100 feet and is therefore not being used to its full capacity for traffic. However, in this particular case it appears from the testimony and from inspection that the proposed crossing at Florence Avenue is less hazardous than the existing crossing at Robertson Boulevard and that it will relieve the latter of practically all of the northbound travel on the highway from Chowchilla and the southbound travel into Chowchilla.

It is hoped by the Town of Chowchilla that the

opening of this crossing will cause Florence Avenue to develop into a second business street and thus prevent Chowchilla from becoming a one-street town. There is undoubtedly a good reason for this hope, as the surrounding country has developed wonderfully in the past few years and will undoubtedly continue to develop. The Town of Chowchilla will benefit by this development and it would seem good policy on the part of the Commission to help this movement take the proper course, by granting the application.

The following form of order is recommended.

O R D E R

COUNTY OF MADERA, having on August 6, 1919, filed an application with the Commission for permission to construct a crossing at grade over the tracks of the Southern Pacific Company at Florence Avenue, in the Town of Chowchilla, County of Madera, State of California, as shown by the map attached to the application; a public hearing having been held, and it appearing to the Commission that the application should be granted, subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be and the same is hereby granted the COUNTY OF MADERA to construct a crossing at grade over the tracks of the Southern Pacific Company at Florence Avenue, in the Town of Chowchilla, County of Madera, 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 cost of its main-

tenance up to two (2) feet of the rails of the Southern Pacific Company shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Southern Pacific Company.

(2) The crossing shall be constructed of a width of not less than sixty (60) feet, with grades of approach not greater than three (3) 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.

(3) The crossing shall be constructed so as not to interfere with the frogs in the Southern Pacific Company's tracks.

(4) The existing sand spur running northwest into Ash Slough shall be removed.

(5) 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 28<sup>th</sup> day of November, 1919.

Edwin O. Edgerton  
H. H. [unclear]  
H. H. [unclear]  
Deering Martin  
Commissioners.