

Decision No. 8276

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Delano, a municipal corporation, for an order authorizing the opening and the construction of a crossing across the right of way of the Southern Pacific Company, a corporation, within the incorporated limits of the City of Delano, County of Kern, State of California.

ORIGINAL

Application No. 5896.

Allen B. Campbell, for Applicant.

F. M. Worthington, for Southern Pacific Company.

By the Commission:

O P I N I O N

In this application, the City of Delano seeks permission to construct a crossing at grade south of El Dorado Street across the right of way and tracks of the Southern Pacific Company on the Section Line between sections 11 and 14, Township 25 South, Range 25 East, M.D.B. & M.

A public hearing was held at Delano before Examiner Westover, at which both interested parties were represented.

The crossing applied for is desired in order to connect the county road running west of the railroad along the section line for about six miles with the paved highway running east along the section line. This paved highway connects with the paved highway system of Tulare County at the County line. Applicant's testimony shows that some forty or fifty farmers would use the crossing in reaching Delano from a road extending to the west and that the crossing would also be used extensively by through east

and west traffic.

The Southern Pacific Company objected to the opening of an additional crossing, as there are now six crossings within 6700 feet, or a little over a mile, to serve a town with a population of about 800, but growing. The crossings nearest the proposed crossing are a private crossing freely used by the public near Mono Street 1400 feet to the north, with a poor view of approaching trains, and the state highway crossing about 1300 feet to the south. There are also three public crossings at Mariposa, Fresno, and Merced Streets, adjoining streets, but 480 feet apart, and one 1200 feet north of Merced Street. The proposed crossing would be over five tracks and, being within the yard limits, would require the cutting of all freight trains. Trains standing on the yard tracks would obscure the view of other trains passing on the main line or passing track. For this reason the Southern Pacific Company requests that in case this crossing is opened that it be protected by an automatic flagman.

Mr. L. R. Kessing, assistant engineer for the Commission, testified as to general crossing conditions in Delano and gave a summary of the recommendations made by assistant engineer Ashworth in his grade crossing report No. 195 on the Delano crossings, including the proposed crossing at the south end of town. The report states that Delano has more crossings for its population than any town in the San Joaquin Valley and recommends that the crossing at Fresno Street, which is between Merced and Mariposa Streets and only

480 feet distant from each of them be closed. On account of obstructions to the view it was recommended that the crossing at Mariposa Street be protected by an automatic flagman. The Southern Pacific Company in its letter of June 18, 1917, by W. R. Scott, agreed to make this installation. As the crossing at Mariposa Street is more dangerous than the crossing applied for, it would not be proper to order the city to pay the cost of installing an automatic flagman at the latter unless the Mariposa Street crossing were similarly protected. It is also against the general policy of the Commission to open new crossings where there are already more than are necessary for public needs. The application should only be granted providing the crossing at Fresno Street be closed.

O R D E R

City of Delano having on July 8, 1920, filed an application with the Commission for permission to construct a public road at grade across the right of way and tracks of the Southern Pacific Company on the Section line between Sections 11 and 14, Township 25 South, Range 25 East, M.D.B & M. as hereinafter indicated, a public hearing having been held and the Commission being fully apprised in the premises and of the opinion that the application should be granted, subject to certain conditions,

It is hereby ordered, that the City of Delano be and the same is hereby granted permission to construct a public road at grade across the right of way and tracks of the Southern Pacific Company on the Section line between Sections 11 and 14, Township 25 South, Range 25 East, M.D.B. & M. as shown on the map accompanying the application and subject to the following conditions, viz:-

1. The crossing herein granted shall not be constructed and opened to public travel unless the crossing at Fresno Street be abandoned and closed to public travel.

2. The crossing if constructed shall be protected by an automatic flagman to be installed at the expense of the city, providing a similar automatic flagman is installed at the Mariposa Street crossing by the Southern Pacific Company at its own expense in accordance with the letter of W.R. Scott sent to the Commission on June 18, 1917.

3. The entire expense of constructing the crossing shall be borne by applicant.

4. The cost of maintaining the crossing thereafter in good and first-class condition for the safe and convenient use of the public up to two (2) feet of the rails of Southern Pacific Company shall be borne by the applicant.

5. The Southern Pacific Company shall maintain said crossing across its tracks and to a distance of two (2) feet outside thereof.

6. Said crossing shall be constructed of a width not less than thirty (30) feet, with grades of approach not exceeding two (2) percent; shall be protected by a suitable crossing sign, and shall in every way be made safe and convenient for the passage thereover of vehicles and other road traffic.

7. 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 will revoke its permission, if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 25th day of October, 1920.

A. D. Loveland
Frank R. Blum
H. B. Brundage
Dwight Martin
 Commission.