

Decision No. 8595

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

In the Matter of the Application)
of the Board of Supervisors of)
San Joaquin County for permission)
to construct a crossing over the)
tracks of the Santa Fe Railroad)
Company at Escalon, San Joaquin)
County, California.)

Application No. 6119.

McNoble & Berry, for Petitioners.
Nutter-Hancock & Rutherford by John Hancock, for
Atchison, Topeka & Santa Fe Railroad Company.
R. C. Minor and Arthur L. Levinsky, for protestants.

MARTIN, Commissioner.

O P I N I O N

This is an application filed as a viewers petition under Section 2694 of the Political Code, through which authority is sought to construct a crossing at grade across the right of way, and tracks of the Atchison, Topeka and Santa Fe Railway Company about 972 feet northwest of the crossing of the railway with the Farmington Road and on what would be a continuation of the French Camp road into Yosemite Avenue in Escalon.

A public hearing was held before Commissioner Martin at Stockton at which all interested parties were represented.

At the present time the French Camp road, an east and west road, which enters Escalon from the west, turns south at the section line between sections 5 and 6, Township 2 South, Range 9 East and crosses the single track main line of the Tidewater Southern Railway, runs south for about a quarter of a mile where it again turns at right angles and runs east for a mile where it again crosses two tracks of the Tidewater Southern Railway and after another 550 feet turns northeast and crosses the station

grounds and five tracks of the Atchison, Topeka & Santa Fe Railway Company and runs into Main & I Streets and the main retail business portion of Escalon. The industrial portion of Escalon is situated on the southwest side of the Santa Fe tracks between the Tidewater and Santa Fe rights of way.

The petitioners desire to have the French Camp road continued straight into Escalon parallel to the Tidewater right of way, doing away with the crossing of the Tidewater tracks at two points and crossing the single main line tracks of the Santa Fe outside of Escalon, instead of through the yard which has five tracks.

The crossing of the Tidewater tracks west of town is no more hazardous than the average crossing except that the automobilist has to make a quick right angle turn across the track when coming from the west and at the same time keep a sharp lookout for a wooden culvert which crosses the highway just at the turn. The junction between the culvert and the roadway is in very poor condition and there is quite a bump. The combination of this culvert and right angle turn gives the motorist but little opportunity to watch for cars.

The second crossing of the Tidewater tracks is by the depot. The view of the tracks is obstructed to the north by the depot and to the south by warehouses. Otherwise the crossing is not particularly hazardous as most of the trains stop here and traverse the crossing at slow speed. For four months of the year from two to four of these trains do not stop at Escalon.

The crossing applied for on the Santa Fe is in open country and the view is unobstructed except for a line of eucalyptus trees which run northwest directly away from the railroad at the northerly corner of the crossing. The owner of these trees intends to remove them and in that case the crossing will be in the clear.

The Santa Fe officials objected to the installation of another crossing and the diversion of a portion of this traffic over their

tracks at a different point than the one now used in the yard. They claim that the new crossing being outside of town will be a high speed crossing and therefore more dangerous than the existing crossing. The presiding commissioner cannot feel that such is the case, as the existing crossing in Escalon is in a yard of five tracks which cannot be very well protected by an automatic flagman, while the proposed crossing over a single main line track can easily be protected in that manner. As very few trains stop at Escalon the crossing in the yard may also be considered to all practical purposes a high speed crossing which is much more dangerous than the proposed crossing, as the view of the main line is obstructed by warehouses and cars standing on the side tracks. There is also considerable switching over the existing crossing on the several yard tracks which will not occur on the new crossing. From the point of view of public safety it would seem desirable to open the new road and shift most of the travel over the proposed crossing.

Objection to the opening of the proposed road was filed at the hearing by some twenty property owners of Escalon and vicinity. It is claimed by these property owners that no necessity exists for the proposed road; that there are already in existence sufficient roads to serve Escalon; that the proposed road will not do away with any of the existing crossings but will increase the number of crossings by one; that the cost of the new road will be excessive and will not benefit more than one-half dozen persons; that the Highway Maintenance Department of San Joaquin County has placed the existing French Camp Road in Class "A" for improvement as part of the State Highway and that the construction of the proposed road will destroy certain proposed industries.

It is doubtless true that the existing roadways in and about Escalon are ample for the present needs and able to handle all traffic; it is also true that the proposed road will not do away with any of the existing crossings and will establish an additional

crossing. However, good highway engineering and safety engineering look to the improvement of roadway alignments and if the County of San Joaquin proposes to pave the French Camp road into Escalon, as stated by the objectors, the alignment of the proposed road would be far better than the existing road. County Surveyor Quail testified that the shortening of the distance to Escalon by the new road would save over \$3000 in paving. The grading of the shorter distance via the proposed road should not be any more costly than the ploughing and regrading of the existing macadam road. The County Surveyor testified further that in case travel greatly increased on this road a subway could be easily constructed at the site of the proposed crossing and that the building of a subway at the existing crossing of the Santa Fe Yards would be impractical if not impossible.

The presiding Commissioner can readily appreciate the point of view of those living or owning property on the present road which would be left unimproved if the new road were opened and he can also appreciate the desire of those owning property along the proposed road to have it opened. The desires of these two sets of local people offset each other as both cannot be satisfied by a decision in either direction. The Commissioner is forced to go further and consider the welfare and safety of the general public and the highway travel as a whole. Such a point of view leads him to believe that the proposed road is more desirable than the existing road but that it should not be opened unless the French Camp road is paved by the county and should remain closed until that time. He believes that the application should be granted but subject to those two conditions and not otherwise, and therefore recommends the following form of order:

ORDER

County of San Joaquin, having applied to the Commission, through a viewer's petition, for authority to open a crossing at grade across the tracks of the Atchison, Topeka & Santa Fe Railway about 972 feet, more or less, northwest of the crossing of the railway with the Farmington Road, on what would be a continuation of the French Camp road into Yosemite Avenue in Escalon, 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 and not otherwise,

IT IS HEREBY ORDERED, that the County of San Joaquin be and the same hereby is granted permission to construct a crossing at grade about 972 feet, more or less, north-westerly of the crossing of the Santa Fe railway with the Farmington road as described in the application subject to the following conditions and not otherwise.

(1) The crossing shall not be established until such a time as the County of San Joaquin decides to pave the French Camp road and orders said paving done.

(2) The crossing when established shall be protected by an automatic flagman to be installed at the expense of the county and maintained thereafter by and at the expense of the Atchison, Topeka & Santa Fe Railway Company.

(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 within two (2) feet of the rails of The Atchison, Topeka & Santa Fe Railway Company shall be borne by the applicant.

