

Decision No. 9077

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN JOAQUIN COUNTY for permission to
cross the tracks and right of way of
the Central Pacific Railroad Company
by a public highway between Weston
and Ripon.

Application No. 5783.

M. A. Sanborn for County of San Joaquin.

F. B. Austin for Southern Pacific Company.

BY THE COMMISSION:

OPINION ON REHEARING

San Joaquin County applied for authority to construct a crossing at grade over the tracks of the Southern Pacific Company on the north and south center line of Section 13, Township 2 South, Range 7 East, between Weston and Ripon.

A public hearing was set at Stockton, September 7, 1920, before Examiner Westover. No one appeared on behalf of applicant at the time fixed, and the matter was continued twice until a representative of the County could be found to present the matter. Testimony was then taken on behalf of the County and of the railroad and the matter submitted, and the Commission made its order, Decision No. 8171, dated October 1, 1920, denying the application on the ground that it appeared that public convenience and necessity did not require the proposed crossing. It subsequently developed that certain interested parties living in the vicinity of said proposed crossing, but not parties to

the proceeding, through no neglect of their own, did not have opportunity to then appear. Therefore, the County petitioned for a rehearing, which the Commission granted, and ordered a further investigation.

Accordingly a second public hearing was held by Examiner Westover at Stockton.

The proposed crossing would extend Highland Avenue across the Southern Pacific right of way to the State Highway. In the vicinity in question, the State Highway and Southern Pacific right of way are parallel and adjoining, and extend northwest and southeast. Jack Tone Road is an important through north and south thoroughfare crossing the railroad 1647 feet southeasterly from the proposed crossing. There is also a crossing at Olive Avenue, about a half mile northwesterly from the proposed crossing. The West Ripon Road extends west from Ripon, and lies southerly from the State Highway, three-fourths of a mile on Jack Tone Road, one mile on Highland Avenue and $1\frac{1}{2}$ miles on Olive Avenue. The three latter roads are parallel and extend north from the West Ripon Road.

Train movements over the proposed crossing consist of 12 regular passenger trains daily, travelling at an authorized speed of 50 miles per hour, and 4 regular freight trains at an authorized speed of 35 miles per hour, with extra freights during the fruit season especially.

There are approximately a dozen farmers located on Highland Avenue about midway between the West Ripon Road and the State Highway. One or two, however, live near the railway on Highland Avenue. The principal products of these farms are milk, cantaloupes, alfalfa and fruit. The milk is handled by trucks operated by the Milk Producers Association over regular routes. The farmers on Highland Avenue are required to take

their milk about a half mile to the junction of Highland Avenue with the West Ripon Road, where it is picked up by the trucks. It is claimed that they are put to this inconvenience and expense both because of the fact that trucks can not operate through Highland Avenue to the Highway, and because of the poor condition of Highland Avenue itself.

Ripon is the trading center of this community and is located about $1\frac{1}{2}$ miles southeast of the proposed crossing. From the vicinity in question, it is reached via the West Ripon Road, which becomes Main Street in Ripon. The use of the proposed crossing in travel to or from Ripon would involve crossing the railroad twice; once at Ripon. Stockton, the county seat, is about 18 miles northwesterly, and may be reached via the Olive Avenue crossing and the State Highway. There is an objection to Olive Avenue because it is claimed to be more sandy than Highland Avenue, which is an unimproved dirt road.

The division engineer of the Southern Pacific Company estimates the cost of the proposed crossing at \$900.00. The county engineer estimates the cost at \$750.00. Any expense involved in a new crossing, under the circumstances shown here, should be borne wholly by the county.

The principal element of the problem is to find the best way to relieve the farmers of a half mile haul with their milk products, and adequately safeguard the travelling public. There appear to be three methods to be considered: First, an improvement of Highland Avenue for a half mile, such as gravelling, so the milk trucks can call at the ranches for milk by travelling about one mile farther; second, opening the crossing applied for, at an expense to the county of \$750.00 to \$900.00; or, third, a plan proposed by A. G. Mott, one of the Commission's engineers,

of opening a road parallel with the railroad and near it, to connect Highland Avenue with Jack Tone Road and its crossing. The cost of grading this road is estimated by the engineers at \$150.00 to \$300.00. The cost of the land is not known, but it is estimated that the total cost of the new road would be about the same as the proposed crossing. While there is objection that irrigation water would interfere with the use of such a new road, it would apparently affect it only in about the same degree that Highland Avenue is now affected by it.

In view of the hazard to the safety of the travelling public, the near proximity of present crossings, the expense, and the relatively few people to be accommodated by the proposed crossing, the application should be denied.

I submit the following form of order:

ORDER ON PETITION FOR REHEARING

A public hearing having been held upon above petition for rehearing and the matter being ready for decision,

IT IS HEREBY ORDERED that the petition for rehearing be dismissed and the order of October 1, 1920, in Decision No. 8171, denying the application for crossing be and it is hereby confirmed.

Dated at San Francisco, California, this 9th day of June, 1921.

H. T. Brundage

H. D. Rowland

Oving Martin

J. P. [Signature]

Commissioners.