

ORIGINAL

Decision No. 4221

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application  
of the Board of Supervisors of  
Stanislaus County, State of Calif-  
ornia, for a crossing over the  
Central Pacific Railroad Company's  
right of way near Turlock.

Application No. 6696.

- Wm. N. Graybiel, for applicant and  
for City of Turlock.
- P. H. Griffin, for Turlock Irrigation  
District.
- F. B. Austin, for Southern Pacific  
Company.

By the Commission:

O P I N I O N

This is an application by Stanislaus County for permission to construct a public crossing at grade over the tracks of the Southern Pacific Company, lessee of the Central Pacific Railroad Company, approximately 1500 feet northerly from the north boundary of the City of Turlock.

A public hearing was held in Turlock on May 31, 1921, before Examiner Satterwhite. When the hearing was called no one appeared for applicant, but after a short delay the City Attorney of Turlock entered his appearance for applicant.

The purpose of the crossing is to provide an outlet from an extension of North Broadway, a street on the west side of the railroad in Turlock, to the State Highway north of Turlock.

The State Highway north of Turlock is located on the east side of the railroad, and to the south is located on the west side of the railroad, thus all highway traffic passing through Turlock must cross the railroad at one of the five public crossings located within the city. These crossings are Julian Street, Olive Street, Main Street, Marshall Street and South Front Street, named in order of their location from north to south. None of these crossings are satisfactory for through traffic.

The Julian Street crossing is over the main line and three yard tracks and quite hazardous, because of impaired view of the main track, as the cars are located close to the crossing on the yard tracks. Decision 3354, dated May 22, 1916, provided that this crossing should be protected by a human flagman during the melon shipping season and during such other times as the three spur tracks across Julian Street are occupied by cars to a point within five-hundred feet of the crossing. This crossing is also unsatisfactory for through traffic by reason of the fact that the railroad grade at this point is about two feet above the adjacent street grades.

The crossings at Olive and Main Streets are protected by gates but the local traffic over these crossings, located as they are in the heart of the business section of Turlock, is so great that it is not considered advisable to encourage further congestion by diverting through traffic over them. The Olive Street crossing is over three tracks and the Main Street crossing is over two tracks.

The Marshall Street crossing is a hazardous crossing because the view is obstructed by warehouses. This crossing is over four tracks. It is used primarily to serve industries located along the railroad.

The South Front Street crossing is also a hazardous crossing. Five tracks are crossed and the view is obstructed by packing houses.

Of these crossings, the major portion of the through highway traffic moves via Julian Street or via South Front Street. Both routes are circuitous and require several turns.

Traffic counts were taken and show as follows:

Location	Time	Autos And Trucks	Horse drawn Vehicles	Motor Cyclos and Bicycles	Peden- trians
Julian St. Crs'ng.	May 27, 1921. 8 a.m. to 12 M&I p.m. to 5 p.m.	498	11	27	21
" " "	May 28, 1921. 8:30 a.m. to 6:00 p.m.	925	24	38	24
" " "	May 29, 1921. 9:00 a.m. to 6:00 p.m.	820	12	29	25
South Front Street Crossing.	May 28, 1921 8:00 a.m. to 12 M&I p.m. to 5pm	241	13	11	48

It is estimated that 75% of the through traffic now moving over the Julian Street and South Front Street crossings would be diverted to the new crossing, if installed.

The proposed crossing is located approximately 2000 feet northerly from Julian Street and will be over two tracks. The view of approaching trains will not be as obstructed as it is at either the Julian Street crossing or the South Front Street crossing. The topography at the proposed crossing is such that a nearly level crossing can be constructed and the route of highway traffic moving over this crossing and along Broadway through Turlock will be somewhat shorter and have fewer turns than either of the present routes.

At the proposed crossing there is a reasonably clear view in all directions, with the exception that on approaching the crossing from the highway on the east side of the track, the view to the south is obscured by trees and poles located between the highway and the railroad and by the stock corral located on the east side of the railroad approximately 250 feet south of the proposed crossing. Conditions would be somewhat improved by removal of the trees between the highway and the railroad located between the proposed

crossing and the north city limits of Turlock. The remaining obstructions to view, the pole lines and stockyards on the railroad's property, when considered with the large volume of highway traffic that will use the crossing, justifies the installation of an automatic flagman which, it is estimated, would cost \$750. Under these circumstances there appears a divided responsibility for the protection of the proposed crossing. Although it is true that such an automatic flagman would give a danger signal at all times switching movements were being made over the main line within the track circuit limits of the signal, the testimony indicated that most switching movements were made between the hours of 6 P.M. and 10 P.M. for three months of the year, during the fruit shipping season.

The Southern Pacific Company does not oppose the granting of this application, but requests that if the proposed crossing is installed it be relieved of its obligation of maintaining a human flagman at the Julian Street crossing in view of diversion of traffic that would be accomplished by the installation of the new crossing. Inasmuch as the amount of traffic that will still move over the Julian Street crossing is problematical, it is considered that any decision regarding the removal of a flagman from Julian Street should be held in abeyance until definite data is obtained regarding the density of traffic over this crossing under the new conditions.

The Commission, being fully apprised of the facts, and the matter having been submitted, it appearing that it is not reasonable nor practicable to avoid a grade crossing with said tracks, is of the opinion that public convenience and necessity require that the application be granted subject to the conditions hereinafter specified.

#### O R D E R

IT IS HEREBY ORDERED, that permission be and the same is hereby granted the Board of Supervisors of the County of Stanislaus, State of California, to construct a road at grade across the tracks

of the Southern Pacific Company described as follows:

Commencing at a point in the southerly right-of-way line of the Central Pacific Railway Company opposite Engineers Station 1700, plus 95, thence along said right-of-way line north 42 degrees 21 minutes west a distance of 60 feet, thence south 47 degrees 39 minutes west a distance of 100 feet, thence south 42 degrees 21 minutes east a distance of 60 feet, thence north 47 degrees 39 minutes east a distance of 100 feet to the point of beginning;- being a 60 foot strip across the right of way of the Central Pacific Railway Company located approximately 1500 feet northwesterly from the city limits of Tarlock;-

said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to a line two feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between the rails and two feet outside thereof shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad with a grade of approach not greater than two (2) percent, 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) For the protection of said crossing Southern Pacific shall install and thereafter maintain an automatic flagman of a design approved by the Commission. Applicant shall contribute fifty (50) percent of the cost of installation of such automatic flagman, such contribution, however, not to exceed three-hundred seventh-five (\$375) Dollars.

(4) Applicant shall have removed the trees located between the State Highway and the railroad for a distance of one-thousand (1000) feet southeasterly from the crossing.

(5) Applicant shall, within thirty (30) days thereafter, notify

this Commission, in writing, of the completion of the installation of said crossing.

(6) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(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 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 12<sup>th</sup> day of July, 1921.

H. B. Brundage

H. H. Overland

James Martin

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Commissioners.