

Decision No. 9524.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

In the matter of the application of Board of Supervisors of Merced County for Permission to Construct a Crossing at grade over The Atchison, Topeka and Santa Fe Railway at or near the center of Section 26, Township 5 South, Range 11 East, M.D.B. & M., on a County Road running East and West through the center of said Section.)

Application No. 7021.

M. Curtis, for Applicant.

By The Commission:

O P I N I O N

In this application the County of Merced applies for a public road crossing at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company on the east and west road along the center line of Section 26, Township 5 South, Range 11 East, M.D.B. & M. connecting with a county road running north-westerly and southeasterly parallel to and on the northeasterly side of the right of way of the railroad.

A public hearing was held at Merced before Examiner Satterwhite.

The railroad in this section runs through a large tract of land known as "Sunny Acres Tract" which has been subdivided and put under cultivation. The purpose of the proposed crossing is primarily to give access between the two portions of this tract thus divided. The road east and west through the center of Section 5 now extends east from the railroad approximately one half mile and it is proposed to extend this road one mile further east through Section 25 to connect with the Mt. Pelier Road, which runs north from the Town of Adlin, sometimes known as Ballico. The road

in which the proposed crossing would be located also extends westerly to the center of Section 27 and it is proposed to further extend this road west to the Delhi-Baumgartiner Road, a north and south road along the west line of Section 28. If the crossing were graded and these extensions made as proposed, there would then be an additional east and west road from the territory east of the Sunny Acres Tract to the territory west of this tract, with an additional outlet to Delhi where the headquarters of the State Line Settlement Board is located.

It appears from the testimony that the portion of the Sunny Acres Tract located southwest of the railroad has an outlet to Delhi by means of an east and west road running along the south lines of Sections 26, 27 and 28 or one half mile south of the road on which the proposed crossing is desired. This road along the south line of Section 26, however, does not cross The Atchison, Topeka and Santa Fe Railway and access to the northeasterly side of the tracks is had only by means of a north and south road along the easterly side of Section 26 which crosses the railroad at Cortez, this crossing being located about one-half mile northwesterly from the proposed crossing. Under these conditions, therefore, in order to reach the county road east of the proposed crossing from the west side of Section 26, it is necessary to travel north a little less than one-half mile and south approximately one-half mile or a total distance of a little less than one mile, whereas, if the proposed crossing were granted the total distance between the same two points would be approximately one-half mile. It thus appears that the installation of the crossing applied for would effect a saving of nearly one half mile in distance for the traffic which would use it.

The testimony indicates that this traffic would be light - probably not exceeding 25 vehicles per day - for the reason that the territory on the two sides of the railroad is not densely populated

and the purpose of the crossing is essentially, as indicated above, to accommodate local traffic passing between these two sides.

The proposed crossing would not have an obscure view, but is over the tracks of the main line of the Santa Fe, on which there are eight daily passenger trains in addition to necessary freight movements.

This is a high speed track, and although the hazard incident to the installation of this crossing would be no greater than ordinarily exists at any grade crossing over a high speed main line, it is not believed that inasmuch as an actual route of travel is now available involving only one half a mile greater distance for the 25 vehicles per day that would possibly use this crossing, that public necessity and convenience justify the creation of the hazard incident to this crossing. The application should therefore be denied.

O R D E R

A public hearing having been held in the above matter and the matter having been submitted,

IT IS HEREBY ORDERED, that the application be and the same is hereby denied.

Dated at San Francisco, California, this 15th day of September, 1921.

Dwight C. Galt

Robert J. Hoover
W. J. Hendry

Commissioners.