

Decision No. 32557

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the COUNTY OF TULARE for an order authorizing the establishment of a grade crossing over the tracks of the Southern Pacific Company, at a point where the north section line of Section 30, Township 18 south, Range 24 east intersects the Southern Pacific Company tracks, and at which point a former crossing was known as B-239.9.) Application No. 19552

LeRoy McCormick, Deputy District Attorney, for Applicant

R. S. Myers, for Southern Pacific Company, Protestant

BY THE COMMISSION:

OPINION AND FOURTH ORDER EXTENDING TIME

Applicant, County of Tulare, on August 19, 1939, filed a supplemental application asking that an extension of time to November 1, 1940, be granted in which to close Crossing No. B-239.1 in the vicinity of Goshen Junction, as directed by a condition of the order in Decision No. 27743, dated February 11, 1935, and as amended by First Supplemental Order, Decision No. 28357, dated November 12, 1935.

A public hearing was held in this matter before Examiner Hall in Visalia on October 25, 1939, at which time the matter of a further extension of time was submitted.

The Commission, by Decision No. 27743, authorized the County of Tulare to construct a crossing, designated as Crossing No. B-239.9, over the tracks of Southern Pacific Company about one-half mile south of the station at Goshen Junction. Condition (4) of this order required that a crossing (No. B-239.1) adjacent to the station at Goshen Junction be closed upon the opening of the crossing authorized to be constructed. Subsequently, on August 14, 1935, applicant filed with the Commission a resolution requesting that condition (4) of Decision No. 27743 be modified so that Crossing No. B-239.1 might be allowed to remain open for a limited period after

the opening of Crossing No. B-239.9. It was alleged by applicant that the closing of Crossing No. B-239.1 at that time would work a hardship on and be an inconvenience to the inhabitants residing north and east of the railroad tracks until the relocation of the Town of Goshen Junction was completed. Therefore the Commission, by Decision No. 28357 modified condition (4) of Decision No. 27743, allowing said crossing No. B-239.1 to remain open for a period of one year.

From time to time, upon request of applicant, orders have been issued extending the time for the closing of said crossing, the last being to November 1, 1939.

The above hearing was held for the purpose of determining whether public convenience and necessity required a still further extension of time to November 1, 1940, in which to close Crossing No. B-239.1.

Evidence was introduced to show that practically all the residents and business houses which were located east of the tracks at Goshen Junction are still there, the only one to move to the west side being the service station.

Applicant showed, through residents located on both sides of the tracks at Goshen Junction, that this crossing is still needed for the reasonable circulation of traffic between the areas on each side of the railroad. The residents to the east of the tracks must cross the railroad to reach the post office and the school, both of which are located west of the tracks.

Numerous witnesses testified that when they came to Goshen Junction to transact business it was usually necessary for them to deal with firms located on both sides of the tracks. They contended that if the crossing at Goshen Junction were closed at this time it would be necessary for them to make a detour of at least a mile or more to the south or two miles to the north to get across the railroad.

Traffic counts were presented by applicant which showed that an average of about 126 automobiles, 43 trucks, and 38 pedestrians use this crossing daily. A traffic count was also taken for three days by Southern Pacific Company which showed a daily average of 142 automobiles, 33 trucks, and 18 pedestrians using this crossing. All of these checks were taken during the daylight hours and early evening only.

It clearly appears that the people living on the east side of the tracks were not affected by the construction of the highway to the west and did not move, with the exception of the service station operator, and that the crossing is still a public convenience and necessity.

The representative of applicant agreed that no further extensions of time would be asked for the keeping open of this crossing and that he would, before November 1, 1940, if conditions warranted, file an application for a permanent crossing in this general vicinity.

It appears that the request for a further extension of time is reasonable and should be granted, therefore

IT IS HEREBY ORDERED that the time specified for the closing of Crossing No. B-239.1, as provided for in Decision No. 28557, be and it is hereby extended to November 1, 1940.

In all other respects Decisions Nos. 27743 and 28357 shall remain in full force and effect.

Dated at San Francisco, California, this 14th day of November, 1939.

Robert W. ...
Frank ...
Ray L. Riley
W. H. ...
Justus J. Coe
Commissioners