

ORIGINAL

Decision No. 37041

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
PEOPLE OF THE STATE OF CALIFORNIA, on)
relation of the Department of Public)
Works, for an order authorizing con-)
struction of a crossing at grade of the)
State highway, Route 56, and the tracks)
of the Southern Pacific Railroad)
(Monterey Branch) near Neponset, in the)
County of Monterey, State of California.)

Application No. 24754

M. G. Hutchings, Supervisor First District,
for Monterey County

Carmel Martin for Property Owners

E. C. Crocker for Southern Pacific Company

BY THE COMMISSION:

SUPPLEMENTAL OPINION

In 1942 the Commission authorized the State Department of Public Works, in connection with the relocation of State Highway No. 56, to construct that highway across the Monterey Branch of Southern Pacific Company near Neponset, Monterey County. (Ex parte Decision No. 35116). The new crossing (No. EE-114.3) was about .2 of a mile south of an existing crossing (No. EE-114.1). The order directed that the old crossing be abandoned and closed upon completion of the new crossing.

On May 12, 1943, the County of Monterey petitioned for a modification of the order so as to permit the County to maintain a crossing at the location of the old crossing. The Commission reopened the proceeding on March 28, 1944, and a public hearing was had before Examined Hall at Salinas on April 12, 1944.

The highway, which parallels the railroad right of way between the two points of crossing, has been moved from the east to the west side of the track. Through highway traffic has been diverted to

the new crossing. The old crossing was an oblique crossing, located at a right angle intersection of the track and an unpaved "private road" east of the track (Exhibit 4). The wigwag signal protecting the old crossing has not been removed and is in operation, and is so located to offer protection to vehicles approaching on the old highway. The County has constructed an approach road west of the track to the new State highway. The old crossing is used by farmers residing along the "private road" east of the track, in order to reach the highway. Such road has been used by the general public for some sixty years. Many laborers, residing in labor settlements near Castroville, must cross the railroad twice daily when working on farms east of the railroad. It was asserted that use of the new crossing would involve an added mile per round trip for each automobile or truck moving into that farm area. Some 50 or 60 vehicles, exclusive of trucks, use the old crossing daily during the harvest period, and some 18 or 20 vehicles per day at other times.

Considerable truck and trailer traffic moves in this vicinity. During the harvest season truckloads of farm produce (lettuce, carrots, sugar beets, etc.) are moved to packing houses near Castroville and Salinas. If such equipment is required to use the new crossing in hauling to packing houses, it must proceed west on the "private road" to the railroad right of way, and then south on the old State highway parallel with the track to the new crossing. An acute right-hand turn must then be made from the old State highway to the new crossing and the new State highway. In order to make this turn trucks must pass over the center line of the highway. Truck drivers would not have a view of trains approaching from Castroville, and would not see the flashlight signals in place at the new crossing. Thus, use of the new crossing by such traffic would be hazardous

because of the sharp angle between the alignment of the old and new State highways and the railroad.

The County representative agreed that if the old crossing was to remain open it should be reconstructed so as to be at nearly right angles to the track and in line with the "private road"; that the existing wigwag should be relocated in order to give proper protection to vehicles approaching the crossing from either direction; and that the old highway crossing should be fenced so as to confine the movement of vehicles to a route crossing the railroad at a right angle.

The Department of Public Works, although notified of the hearing, made no appearance. The Department's 1942 application did not propose the closing of the old crossing, and upon the record in the reopened proceeding it appears that a definite hardship and hazard would result if the closing occurred. While the two crossings are but .2 of a mile apart, the new crossing would not be as satisfactory or safe for local traffic as the old crossing, if steps are taken to require such traffic to cross the track at a right angle at the site of the old crossing. The County representative stated that the County would be willing to bear the expense of making changes in the old crossing and fencing the right of way. Decision No. 35116 will be modified so as to permit the County to maintain a crossing at that location upon compliance with certain requirements which will be set forth in the order.

SUPPLEMENTAL ORDER

The County of Monterey having petitioned for a modification of Decision No. 35116, the matter having been reopened and further hearing had therein, and good cause appearing,

IT IS ORDERED as follows:

1. Decision No. 35116 is hereby modified by striking therefrom the requirement that Crossing No. EE-114.1 be abandoned and closed.

2. The County of Monterey is authorized to alter said crossing so as to connect the "approach road" west of the track with the "private road" east of the track, which roads are depicted in Exhibit 4 herein. Such altered crossing shall be in alignment with the two roads mentioned, the old State highway crossing shall be fenced so as to confine the movement of vehicles to an approximate right angle crossing of the railroad, and the existing wigwag shall be relocated in order to afford proper protection to vehicles approaching the altered crossing. The expense of making the above changes shall be borne by the County of Monterey.

3. Within thirty days after said changes have been made, the County of Monterey shall so advise the Commission in writing. The authorization herein granted shall become void if such changes are not completed within ninety (90) days after the effective date of this order, unless time be extended, and may be revoked or modified if public convenience, necessity, or safety so require.

This order shall become effective on the twentieth day after the date hereof.

Dated at San Francisco, California, this 9th day of May, 1944.

Richard L. ...

Francis L. Havenor
Havenor

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Commissioners