

DECISION NO. 37103

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
San Joaquin County, acting through)
its Board of Supervisors, for per-)
mission to reconstruct Stork Road)
at grade across the Atchison, Topeka)
and Santa Fe Railroad.)

ORIGINAL

Application No. 26074

For Applicant:
Robert Blewett, Asst. District Attorney
James B. Mathey, County Engineer

For Atchison, Topeka and Santa Fe Railroad:
Barry McDermott
O. R. West, Division Engineer

BY THE COMMISSION:

O P I N I O N

In this application San Joaquin County requests permission to reconstruct and open for public use a private crossing of the main line track of The Atchison, Topeka, and Santa Fe Railway Company, a short distance west of the City of Stockton. Public hearing was held at Stockton on May 12, 1944, before Examiner Hall and at this hearing the matter was submitted. It is now ready for decision.

The crossing with which this application is concerned is that of a private road known as Stork Road in the Stockton port area which was constructed a number of years ago to permit access to a sewerage disposal plant of the City of Stockton, located on the east bank of the San Joaquin River and immediately south of the railroad. At that time the most convenient means of reaching this plant was by way of West Washington Street, located approximately parallel to the main line of the Santa Fe and about three-eighths of a mile to the north. Stork Road connected the disposal plant with West Washington Street. Subsequent to the opening of this crossing a street on the southerly side of the track, Charter Way, has been extended westerly from Stockton, furnishing direct access to the disposal plant and

connecting with Stork Road to the south of the crossing. Therefore, the crossing is no longer necessary to reach the disposal plant.

Following the declaration of war the U. S. Army has taken over large areas of the Stockton port district and established an ordnance depot in the area adjoining Stork Road and West Washington Street. For military reasons the commanding general has closed West Washington Street to the general public between the intersection of Stork Road and a point in the vicinity of Fresno Street about a mile to the east. West Washington Street has in the past been the principal means of travel between the City of Stockton and Rough and Ready Island, an agricultural and light industrial area west of the San Joaquin River. The street leads to a bridge over the river and into Jacobs Road which road extends westerly across Rough and Ready Island to Holt Station and a connection with State Highway Route 4 southwest of Holt. With the closing of West Washington Street the public having occasion to use this route has detoured by way of Fresno Street, Charter Way and Stork Road, thereby making illegal use of the private crossing. The county, in its application, proposes to widen this crossing and dedicate it for public use.

The Stork Road crossing has extremely narrow and steep approaches, view conditions are obscured, and all parties to the proceeding admit the hazards created by general public use. Following the establishment of the detour the Santa Fe Company removed the private crossing and barricaded the approaches.

The main State Highway Route 4 is located about a mile and a quarter to the south of and approximately parallel to West Washington Street and the railroad. With the closing of the Stork Road crossing the general public has been detoured to this highway by way of Fresno Street, thence returning to the Jacobs Road extension of West Washington Street by way of a north and south route known as Daggett Road. The distance involved by this latter detour is somewhat longer than

that by way of Stork Road, particularly to certain residences and industries located immediately west of the West Washington Street bridge across the river. These users are required to travel approximately one mile west to Daggett Road thence via Daggett Road to the State Highway and easterly in to the City of Stockton. To other former users of the West Washington Street route in and out of Stockton the additional distance is not so great and much of this travel can conveniently use the State Highway. From the record it appears that the commanding general has issued permits to the residents and the employees of the industries located on Rough and Ready Island and these persons can now travel to and from Stockton by their accustomed route.

In order to make the Stork Road crossing safe for public use, a considerable expenditure would be necessary. At this point the railroad grade is about 17 feet above the natural ground and the county in its application proposes an approach grade of ten per cent from the north. In the opinion of the railroad's engineer this is entirely too steep. He recommends a grade line not in excess of six per cent and also suggests that a level section extend for a short distance on each side of the track. We are inclined to agree with these recommendations, but to carry them out and to construct a roadway of the proper width would involve considerable grading and an expenditure which does not appear justified.

Before the Stork Road crossing was closed a traffic count was made for a period of five hours from 7:00 a.m. to 12:00 noon on April 28 and during this period 64 trucks and 87 automobiles used the crossing. From a count made during the same period at the intersection of Daggett Road and Jacobs Road, it appears that a substantial percentage of this traffic, approximately ninety per cent, could have as conveniently used the detour via Daggett Road. While the Daggett Road detour also involves a crossing of grade with the railroad, this crossing

appears to be safer than the one proposed in the application.

It also appears that Stork Road to the north of the track between the crossing and West Washington Street over which the public would have to travel to use the crossing proposed in this application is a private road on the army reservation and the county has no rights other than such permission as may be granted by the military authorities. If a military exigency arose the army could close this road and the proposed crossing would then be isolated from any public road north of the railway.

After giving full consideration to all the facts in this record, we are of the opinion that the public will not be unduly inconvenienced if compelled to use the Daggett Road detour and the application will accordingly be denied.

O R D E R

HGM

San Joaquin ^{County} having filed the above-entitled application, a public hearing having been held on the matter and the matter submitted,

IT IS HEREBY ORDERED that said application be and it is hereby denied.

The effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 6th day of June, 1944.

Richard Sachs
Justus F. Casner
Francis R. Haven
Francis R. Haven
Francis R. Haven
Commissioners