

Decision No. 37805

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of TULARE )	
COUNTY for two railroad crossings over the )	Application
Visalia Electric Railroad in Section 12, )	No. 26494
Township 19 South, Range 26 East, M.D.B. & M.)	

LeRoy McCormick, Assistant District Attorney,  
for Applicant

**ORIGINAL**

R. S. Myers, for Visalia Electric Railroad Company

BY THE COMMISSION:

O P I N I O N

In this application County of Tulare seeks permission to construct two county roads at grade across the track of the Visalia Electric Railroad Company in Section 12, Township 19 South, Range 26 East, M. D. B. & M.

A public hearing was held in this matter before Examiner Hall on April 5, 1945, at which time the matter was submitted for determination.

County Road No. 26 runs in a north and south direction through Section 12, and is paralleled on its east side by the track of Visalia Electric Railroad Company. At the point of the two proposed crossings the railroad track is on an average about 500 feet east of County Road No. 26. The two county roads involved in the application run easterly from County Road No. 26 and are approximately one-fourth of a mile in length and end at the base of hilly country.

On each side of these two roads between the railroad track and the base of the hill the land has been subdivided and is occupied by some thirty odd homes. Due to the fact that both of these roads dead end at the base of the hill, the only outlet for these people is in a westerly direction across the railroad to County Road No. 26. The two crossings are about 500 feet apart.

For the year 1944 the railroad company operated 226 train movements, or an average of 4.3 movements per week. The record shows that there is no obstruction to the view of approaching trains.

The railroad company offered no objection to the construction of these crossings provided it was put to no expense in connection therewith.

A review of the record indicates that the people living and owning homes east of the railroad have no other outlet than by these two grade crossings, and in view of the fact that the two roads involved are not connected east of the railroad the use of both crossings is necessary, and the application should be granted.

#### O R D E R

A public hearing having been held in the above-numbered application and the matter being now under submission;

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Tulare, State of California, is hereby authorized to construct two county roads at grade across track of the Visalia Electric Railroad Company in Section 12, Township 19 South, Range 26 East, M. D. B. & M., at the locations more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions:

- (1) The above crossings shall be identified as follows:

The most northerly crossing at railroad station 56+00.19, as Crossing No. 77B-2.6; and the most southerly crossing at railroad station 59+70, as Crossing No. 77B-2.65.

- (2) The entire expense of constructing these crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two feet outside of the outside rail shall be borne by Visalia Electric Railroad Company.

- (3) The crossings shall be constructed of a width of not less than 24 feet and at angles to the railroad of approximately 50° and 75° respectively, with grades of approach not greater than 3 percent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by one Standard No. 1 crossing sign (G.O. No. 75-B), and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one year from the effective date hereof, unless further time be granted by subsequent order.
- (6) This authorization may be revoked or modified at any time if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of April, 1945.

Harold Rudman  
Justus J. Casper  
Richard Backe  
Frank W. Clark  
Irving Lawrence  
Commissioners