

DECISION NO. 39427

ORIGINAL

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 permission to construct the Ray Road at grade across the Western Pacific Railroad)
(Application No. 27483)

JULIUS B. MANTHEY, County Surveyor, for applicant; JOHN E. HENNESSY, for The Western Pacific Railroad Company, Protestants; ALGER B. ELLIS, for certain property owners, Proponents; and GEORGE K. SMITH, for other property owners, Protestants.

O P I N I O N

In this application the Board of Supervisors of San Joaquin County request permission to construct Ray Road at grade across the tracks of The Western Pacific Railroad Company on the line between Sec. 1, T. 3 N., R. 5 E., and Sec. 6, T. 3 N., R. 6 E., M. D. B. & M.

A public hearing was held before Examiner Hall in Stockton in this matter on September 11, 1946, at which time the matter was submitted.

The roads in this general territory are all laid out on section lines or half-section lines, and therefore all run east and west or north and south. Ray Road is a north and south county highway extending northerly from Turner Road, an east and west highway, and then again southerly from Sargent Road, also running east and west and parallel to Turner Road and one mile south thereof, in the vicinity of Villinger Station, San Joaquin County.

It is proposed to construct Ray Road for a distance of one mile between Turner Road and Sargent Road on the north and south line, and between said sections 1 and 6.

The main line track of The Western Pacific Railroad Company runs through this territory on a line south 22° 57' east and intersects both Section 1 and Section 6. The point of crossing of The Western

Pacific Railroad track and the projected Ray Road is about 2300 feet south of Turner Road, and the angle of crossing between the railroad and the highway will be about 22°.

In the triangle bounded by the railroad right of way, Turner Road, and the proposed Ray Road is located a new winery. The extension of Ray Road is proposed primarily for the purpose of facilitating the movement of grapes from the vineyards in the surrounding territory to the winery. This grape movement lasts not more than 2½ to 3 months in the Fall of each year.

There are two connecting north and south roads one mile east and 1½ miles west of the proposed Ray Road, both of which make connections with the winery through said Turner Road. The record indicates that other than during the grape season, very little use would be made of the proposed crossing.

Certain of the residents of the community appeared and requested that the crossing be authorized as it would be advantageous for their use in hauling grapes to the winery in that the distance of haul would be somewhat shortened.

Objection to the construction of the crossing was voiced by the railroad and the property owner adjacent and east of the proposed Ray Road.

The railroad protested on the grounds that there were sufficient crossings in the area to take care of the traffic involved and that if the crossing were constructed it would be at such an angle as to make it extremely hazardous, particularly in view of the fact that the railroad will, early in 1947, inaugurate high speed streamline passenger service.

The property owner adjacent to the proposed crossing protested on the grounds that the amount of benefit would not justify the taking of a portion of his land for road purposes, thereby restricting

his agricultural operations.

A review of the entire record in this proceeding leads to the conclusion that the construction of said crossing cannot be justified at this time due to the small amount of traffic which would be accommodated, particularly during the off-grape season, and furthermore, that there are roads in the vicinity which amply serve the residents of this immediate area; therefore the application will be denied.

O R D E R

A public hearing having been held and the matter being under submission and ready for decision;

IT IS HEREBY ORDERED that Application No. 27483 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 24th day of September 1946.

Harold J. Hule

Justus F. Calver

Robert Powell

A. B. [Signature]

COMMISSIONERS