

ORIGINAL

Decision No. 41427

BEFORE THE PUBLIC UTILITIES 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 Thornton Cannery Road)
at grade across The Western Pacific)
Railroad.)

Application No. 29084

Julius B. Manthey, County Surveyor, and Clyde Jones,
Deputy County Surveyor, for applicant.
Nelson T. Nowell for Thornton Canning Company, interested party.

O P I N I O N

By application filed in this proceeding, the County of San Joaquin seeks an order authorizing it to construct a county road at grade across the main line of The Western Pacific Railroad Company near Thornton. A public hearing was held before Examiner Bradshaw at Stockton.

A county road, now known as the Old Walnut Grove Road, crosses the railroad right-of-way at grade in an easterly and westerly direction a short distance south of Thornton. In the immediate vicinity it intersects the so-called Thornton Road, a north and south highway to the west of the railroad. The crossing, which is identified as Crossing No. 4-113.3, is protected by two Standard No. 8 flashing-light crossing signals and the usual approach warning signs.

In order to provide better access to the plant of the Thornton Canning Company at Thornton, a new road is under construction paralleling the east side of the railroad northward from the Old Walnut Grove Road. It is proposed to extend the new road on a curve across the railroad at the location of the present crossing

to a point of connection with the Thornton Road. To do so, will necessitate widening the crossing and relocating at least one of the flashing-light signals.

Applicant's proposal is that the flashing-light signal which faces eastward be removed to a location about 30 feet to the north, turning the lights towards the new road. It is contemplated that the flashing-light signal now located at the west of the crossing remain in its present position.

In the opinion of the County Surveyor, this is the only alteration in crossing protection which is necessary. He testified that, although formerly a State highway, the Old Walnut Grove Road is now merely a local road of minor significance; and that in the future the new road serving the cannery will be the more important of the two roads east of the crossing. The witness conceded that, if moved to the proposed location, the flashing-light signal on the east side of the crossing would not provide clear visibility to persons traveling on the Old Walnut Grove Road when approaching the crossing from the east.

A representative of Thornton Canning Company contended that completion of the new road is of vital concern to that company. He explained that its plant previously had access to a private road which has since been closed by The Western Pacific Railroad Company and that it is necessary that a road be available over which supplies and personnel may be transported between the cannery and areas south of Thornton.

The Western Pacific Railroad Company did not appear at the hearing. Its vice president and general manager, however, previously indicated in writing that, while believing a more satisfactory

plan than that proposed can be developed, the railroad company will not object to the granting of the application.

An assistant transportation engineer in the employ of the Commission's transportation department testified to having participated in a recent survey of crossings over the tracks of The Western Pacific Railroad Company in San Joaquin County. He indicated that as to the proposed alteration of the crossing involved in this proceeding the Commission's engineering division had concluded to recommend:

1. That the signal on the west side of the crossing be moved a sufficient distance to clear the proposed new road and a double set of lights be installed thereon to protect the approaches of both the Old Walnut Grove Road and the new road;
2. That the signal on the east side of the crossing be moved eastward to protect the Old Walnut Grove Road;
3. That in order to protect the new road an additional flashing-light signal be installed at approximately the location to which applicant proposes to move the present signal on the east side of the crossing;
4. That two boulevard stop signs be installed on the Old Walnut Grove Road at its intersection with the proposed new road; and
5. That two reflectorized advance warning signs be installed on the proposed new road.

The alteration of the present crossing in the manner proposed by applicant would in effect reduce the present protection afforded an existing road. Although it appears that the Old Walnut Grove Road is not as important a thoroughfare as it may have been in the past, no probative evidence has been presented that flashing-light signal protection is no longer required.

Under the County's suggested plan, a person using the crossing to reach a point on the Old Walnut Grove Road or beyond would have the protection of a flashing-light signal when traveling in an easterly direction. On the other hand, those operating vehicles in the opposite direction would be without any protection other than that which might be afforded by a signal so located as to not provide proper visibility. In our opinion, a situation of this kind would tend to create confusion and be extremely hazardous, even though flashing-light signals might not otherwise be necessary to protect traffic on the Old Walnut Grove Road.

Moreover, the record discloses that during periods the plant of the Thornton Canning Company is in operation many vehicles will operate over the crossing. Drivers of vehicles approaching the crossing from either side, whether on the Old Walnut Grove Road or the new road, will be required to watch for approaching vehicles on the other road as well as for any trains which may be in the vicinity. Under such circumstances, we are of the view that, in the absence of a more definite showing of the volume of traffic now using the Old Walnut Grove Road, a very high degree of protection should be required if the new road is extended over the existing crossing.

Upon careful consideration of all of the facts and circumstances of record in this proceeding, the Commission is of the opinion and finds that authority should be granted to construct the Thornton Cannery Road at grade across the main line of The Western Pacific Railroad Company, as proposed by applicant, provided that crossing signals and other warning protection be installed in accordance with the recommendations described at the hearing by the Commission's engineer.

O R D E R

A public hearing having been had in the above-entitled proceeding and, based upon the evidence received and upon the conclusions and findings set forth in the preceding opinion,

IT IS ORDERED that the Board of Supervisors of the County of San Joaquin be and it is hereby authorized to construct Thornton Cannery Road No. 641 at grade across the tracks of The Western Pacific Railroad Company at the location described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

1. The above crossing shall be identified as a portion of Crossing No. 4-113.3.
2. The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of those portions of said crossing outside of lines two feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of said crossing between lines two feet outside of the outside rails shall be borne by The Western Pacific Railroad Company.
3. Said crossing shall be constructed equal or superior to type shown as Standard No. 3-A in General Order No. 72 and shall be protected by the following signals and warning devices:
 - (a) One Standard No. 8 flashing-light signal of type shown in General Order No. 75-B at the west side of the crossing together with a double set of lights protecting the approaches on both the Old Walnut Grove Road and Thornton Cannery Road.
 - (b) One Standard No. 8 flashing-light signal of type shown in General Order No. 75-B at the east side of the crossing protecting the Old Walnut Grove Road.
 - (c) One Standard No. 8 flashing-light signal of type shown in General Order No. 75-B at the northeast side of the crossing protecting the Thornton Cannery Road.

- (d) Two boulevard stop signs on the Old Walnut Grove Road at its intersection with the Thornton Cannery Road.
 - (e) Two reflectorized advance warning signs on the Thornton Cannery Road.
4. Applicant shall within 30 days thereafter notify the Commission, in writing, of the completion of the installation of said crossing, 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 date hereof unless further time is granted by subsequent order.
 6. The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossing, as to it may seem right and proper and to revoke the authorization herein granted if, in its judgment, public convenience, necessity or safety so require.

The authority herein granted shall become effective 20 days from the date hereof.

Dated at San Francisco, California, this 6th day of April, 1948.

R. J. Underwood
Justus F. Coakley
Harold P. Hill
Herbert L. Latta
 COMMISSIONERS