

ORIGINAL

Decision No. 4238A

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
the City of Woodlake for a railroad )	
crossing over the Visalia Electric )	Application No. 29567
Railroad on Acacia Street in the City)	
of Woodlake, County of Tulare, State )	
of California. )	

Robert E. Mook and LeRoy McCormick by Robert E. Mook,  
 for applicant.  
R. W. Myers, for Visalia Electric Railroad, protestant.

O P I N I O N

By this application the City of Woodlake requests an order authorizing the construction and extension of Acacia Street at grade across the tracks of the Visalia Electric Railroad Company in said city.

A public hearing was held in the City of Woodlake, on December 16, 1948, before Examiner R. K. Hunter, at which time the matter was submitted.

There is no public crossing at grade over the Visalia Electric Railroad to the west of the proposed crossing within the city limits. To the east the following crossings at grade exist: one block distant, Pepper Street; two blocks, Palm Street; three blocks, Valencia Boulevard (State Highway Route 65); four blocks, Magnolia Street. All of these streets likewise cross or will cross at grade the spur track of The Atchison, Topeka & Santa Fe Railway Company one block to the south. The block between the Visalia Electric and the Santa Fe tracks has been subdivided and is occupied in part by homes and industrial and business establishments. To the south of the Santa Fe tracks, between Bravo Street

and Ropes Avenue is additional subdivided property. To the south of Ropes Avenue is a large tract, within the city limits, which offers a very desirable area for subdivision and moderate priced housing and in part for factory or business development.

The City of Woodlake is desirous of having this area opened and made as readily accessible as possible to promote the development within the city limits. The proposed crossing at Acacia Street will further this objective. It will also provide a more direct and less hazardous route between the new area and the grammar and high schools located directly to the north. Further, the proposed crossing will provide a more convenient route between the area to the south of the tracks and points to the west of Woodlake such as Visalia and the main north and south highway through the San Joaquin Valley.

The applicant submitted evidence showing that the population had doubled since 1940, that the population was expected to continue to grow, and that therefore the means of ingress and egress to and from the area under discussion should be made as convenient as reasonably possible to facilitate its growth and development.

The protestant objected to the construction of the crossing because of its hazard and because other crossings were available at no great distance. The Visalia Electric has one freight train each way daily during five months of the year and two trains each way daily during seven months of the year. At this point they operate at between six and eight miles per hour. The proposed crossing can be constructed with grades of approximately 2 per cent. There is no impairment of the visibility at the site

of the proposed crossing and no record of accidents at existing crossings. It appears that any hazard existing would not be increased by the construction of the proposed crossing.

It is our opinion, after carefully reviewing all of the evidence introduced at the hearing, that the opening of the proposed crossing is in the public interest and that it can be used with reasonable safety and a minimum of hazard. The authority requested should be granted.

O R D E R

A public hearing having been held and based upon the evidence adduced and conclusions and findings set forth in the opinion,

IT IS ORDERED that the City of Woodlake is authorized to construct a public crossing at grade of Acacia Street with the tracks of the Visalia Electric Railroad Company at the location more particularly described in the application and shown on the map marked Exhibit "B" attached thereto, subject to the following conditions:

1. The crossing shall be identified as crossing No. 77-16.2.
2. The crossing shall be constructed of a width of not less than 24 feet at an angle of approximately 90 degrees to the railroad, with grade of approach not in excess of 3 per cent. Construction shall be equal or superior to the type shown on standard No. 2 in the Commission's General Order No. 72. The crossing shall be protected by two No. 1 crossing signs as specified in the Commission's General Order No. 75-B.
3. The entire expense of constructing the crossing, including the protection herein ordered, shall be borne by the applicant. The cost of maintenance of that portion of the crossing up to lines 2 feet outside of the outside rails shall be borne by the applicant. The cost of maintenance between said lines, together with the cost of maintaining the protection shall be borne by the Visalia Electric Railroad Company.

4. Within 30 days after completion, pursuant to this order, applicant shall so advise the Commission in writing.
5. This authorization shall become void if not exercised within one year unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 29<sup>th</sup> day of December, 1948.

R. F. Johnson  
Justice F. Calver  
Marcelle Pottel

COMMISSIONERS