

Decision No. 43056

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the County of Tulare for a Railroad)
 Crossing over the Atchison, Topeka &) Application No. 29979
 Santa Fe Railroad in Section 4, Town-)
 ship 24 South, Range 24 East, M.D.B.)
 & M.)

Leroy McCormick, County Counsel, and R. M. Nickerson,
 Deputy, Court House, Visalia, for applicant.
William F. Brooks, for The Atchison, Topeka and Santa Fe
 Railway Company, protestant.

O P I N I O N

In this application Tulare County requests authority to establish a new public crossing at grade with the main line and side tracks of The Atchison, Topeka and Santa Fe Railway Company at Allensworth in that county. Public hearings were held on May 12, 1949, and June 13, 1949, before Examiner Gannon, and at the latter hearing the matter was submitted for decision.

The original application was filed on January 17, 1949, but at the hearing in Visalia on May 12, 1949, it developed that the location of the crossing as shown on exhibits attached to that application was not that desired by the county. On June 2, 1949, an amendment to the application was filed substituting revised Exhibits "A" and "B", showing the crossing at its correct location.

Allensworth is a small townsite laid out on the westerly side of the railroad a number of years ago and rather sparsely developed. At one time a store was located at this point but it has now been closed. A church and a branch public library are maintained, and the settlement is also a social center for employees

of the large acreage farms located in this district. The record shows there are 68 registered voters in the Allensworth precinct.

In the vicinity of Allensworth the main line of the Santa Fe extends in a general northwesterly and southeasterly direction. On the easterly side of the railroad across from the townsite there is a parallel highway known as the Central Valley Highway which has been opened and improved during recent years. The nearest existing public crossings connecting this highway with the district west of the railroad are No. 2-934.2 two miles to the north, and No. 2-922.8 about 2.4 miles to the south. It is possible to reach the community of Allensworth over these crossings by way of existing county roads on the westerly side of the railroad, but these roads are not constructed to a high standard and the volume of travel probably does not warrant too large an expenditure for improvement.

At the present time there is a private crossing, located at the point where it is proposed to establish a public crossing, which connects the Central Valley Highway with Grant Drive, a parallel street on the westerly side of the railroad. This crossing has been in existence for many years and since the opening of the new highway forms a convenient means of access and egress between Allensworth townsite and the main highway. In its existing condition the crossing is narrow with very steep approach grades, approximately 10 per cent on the east and 16 per cent on the west. While a portion of the crossing in the track area has been oiled, the remainder of the road is simply a dirt-traveled way. It is the desire of the county to widen and improve the surface of this road and to reduce the extreme approach grades to approximately

3 per cent.

The railway opposes the application, taking the position that travel to and from Allensworth can use the existing crossings to the north and the south. In addition to the main line there are two side tracks at the site of the proposed crossing; one a passing track and the other a siding which is often used for storing freight cars. The obscured view occasioned by the presence of these cars is stressed, and there is also some obstruction caused by several small structures on the railroad right-of-way on the westerly side of the main line. The railroad's engineer also points out that the proposed improvements to the roadway and the approach grades will encourage faster driving and less caution with respect to crossing the track.

Railroad traffic consists of 8 regular passenger trains daily, traveling at speeds up to 95 miles an hour, and 10 or more freight trains daily with extras according to seasonal requirements.

There is no proposal to abolish the existing private crossing and since the Central Valley Highway with its higher standard of construction is naturally a more attractive route to the north and south than one over two miles of substandard county road, the crossing will be used as the most convenient entrance to the town. Also, it is not reasonable to expect that traffic originating in the area opposite Allensworth and east of the railroad will travel several miles simply for the purpose of getting across the track when there is another means of doing so. The distance between existing public crossings is more than 4 miles and since the proposed crossing is approximately half-way between the two crossings it would appear to be a logical location

for a new crossing. Under the circumstances the Commission is of the opinion that there is sufficient necessity for this crossing and an order granting the application will be made.

ORDER

Public hearings having been held on the above-entitled application and the matter submitted, it is ordered that Tulare County is authorized to construct a county road at grade across the main line and side tracks of The Atchison Topeka and Santa Fe Railway Company near Allensworth in that county. Said crossing shall be constructed at the location described and shown on revised Exhibit "A", filed on June 2, 1949, and the crossing shall be identified as Crossing No. 2-932.1. Applicant shall bear entire construction expense also maintenance cost outside of lines two feet outside of outer rails. The Atchison Topeka and Santa Fe Railway Company shall bear maintenance cost between such lines. Width of crossing should not be less than 24 feet and grades of approach not greater than 3 per cent. Construction shall be equal or superior to Standard No. 2 of G. O. 72. Protection shall be by two Standard No. 1 crossing signs (G. O. No. 74-B).

Applicant shall, by appropriate resolution or ordinance, require all vehicles to stop before passing over the railroad track at said crossing, and cause suitable signs to be erected. The Atchison, Topeka and Santa Fe Railway Company shall bear the cost of maintaining said signs.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall lapse 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 twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of June, 1949.

R. Z. Johnson
Justice F. Cooney
Joseph T. Farrell
Harold P. Kelly
Kenneth P. Potter
 COMMISSIONERS