

Decision No. 47328**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Commission Investigation )  
 concerning the grade crossing of Asa Cole Road ) Case No. 5371  
 and Southern Pacific Company tracks within the )  
 County of San Joaquin. )

R. S. Myers, for Southern Pacific Company, interested party.  
Julius B. Manthey, County Engineer and Road Commissioner, County of San Joaquin, interested party.  
George Wadsworth, for Henry Batterman, Irving Petz and Joe Widmer, interested parties.

O P I N I O N

By order dated April 29, 1952, the Commission, on its own motion instituted an investigation for the purpose of determining whether the crossing (D-73.5) at grade, of Asa Cole Road with the tracks of the Southern Pacific Company in the vicinity of Banta, San Joaquin County, should be abolished by physical closing, altered or relocated.

A public hearing was held on May 22, 1952, before Examiner Silverhart at Tracy.

The record indicates that Asa Cole Road, a public highway, runs north and south between Highway No. U. S. 50 and Grant Line Road, which lies north of the railroad tracks. Bricchetto Road, an east-west road located south of the railroad tracks, connects Asa Cole Road to Grant Line Road via Banta.

The three owners of farm land in the immediate vicinity of the crossing who appeared as interested parties stated that they desired that the crossing be kept open. They testified that the Asa Cole Road crossing affords a shorter route over which to move out produce but conceded that the land is presently planted to alfalfa, barley, clover and hay for pasture; that there are other

avenues of ingress and egress available; that Asa Cole Road is in very poor condition and has been for several years and cannot now be used.

The assistant engineer for Southern Pacific Company's Western Division testified that 29 trains moved over the crossing during the 24 hours of November 8, 1951, a date selected as a typical day; that the maximum speeds through the area herein are 70 miles per hour for passenger trains and 50 miles per hour for freight trains; that Asa Cole Road crossing contains two main line tracks and one center siding used for passing of trains travelling in the same direction; that when such center siding is in use the train must be cut to permit vehicular traffic to pass over the crossing; that the cut train occupies the crossing and impairs the view of approaching vehicles so that but one track is visible; that such situation creates an extreme hazard as there are high speed trains moving on the other track.

The San Joaquin County Engineer and Road Commissioner testified that Asa Cole Road is used by only a few local people; that the approaches to the crossing are bad and the grades steep; that a county representative was a member of the survey party which unanimously recommended closing of the crossing; that there are three crossings one half mile away which are adequate for neighborhood use and no serious inconvenience would result if the crossing were closed.

Exhibit 1, a report prepared by an assistant transportation engineer on the Commission's staff as a result of his study of the crossing herein involved, shows that there is one residence situated on Asa Cole Road between Highway U. S. No. 50 and Grant Line Road; that there is a grade crossing at J. Chrisman Road (D-72.5) approximately one mile west of Asa Cole Road, protected by two No. 1

crossing signs; that a grade crossing protected by two No. 1 crossing signs is established at Sixth Street, Banta (D-73.9), approximately 2/5 of a mile easterly of Asa Cole Road, another at Seventh Street, Banta (D-74.1), approximately 3/5 of a mile easterly of Asa Cole Road protected by two No. 1 crossing signs and another at Grant Line Road (D-74.2) approximately 7/10 of a mile easterly protected by two No. 8 flashing lights; that the width of Asa Cole Road crossing is twelve feet, with approach grades of ten to twelve percent; that such crossing is too narrow to permit passage by two vehicles of any type; that when the center passing track is being utilized and a portion of a train is standing on either side of such crossing there is a serious impairment of vision; that it is nearly impossible to see an approaching automobile because of high fill. Photographs contained in Exhibit 1 and taken on May 13, 1952, depict the portions of Asa Cole Road 200 feet north and south of the railroad tracks as being narrow, rutted, overgrown with vegetation and difficult for vehicles to negotiate thereover.

The evidence readily demonstrates that the public interest and safety would best be served by the closure of the Asa Cole Road grade crossing. An order will be made herein directing that such crossing be closed.

O R D E R

A public hearing having been held and based upon the evidence therein adduced,

IT IS ORDERED:

(1) That the Southern Pacific Company and the County of San Joaquin, within 90 days after the effective date of this order, shall abolish, by physical closing, the crossing of Asa Cole Road

(D-73.5) with the railroad track of the Southern Pacific Company, near Banta, in the County of San Joaquin.

(2) That the Southern Pacific Company, at its sole expense, shall remove such crossing and approaches, within the limits of its right of way, and erect suitable barriers, in such manner as effectively to prevent the use of such crossing by vehicular traffic.

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

Dated at San Francisco, California, this 24<sup>th</sup> day of June, 1952.

[Signature]  
President  
Justin F. Casper  
Harold P. Hule  
[Signature]  
[Signature]  
Commissioners