

Decision No. 55477**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the grade crossing)
of Crest Road and tracks of The) Case No. 5926
Atchison, Topeka and Santa Fe Railway)
Company, in Merced County, being)
Crossing No. 2-1063.3.)

W. L. Seabridge and Merrill K. Albert, for
The Atchison, Topeka and Santa Fe
Railway Company, respondent;
Allan Good, in propria Persona, protestant;
M. E. Getchel, for the Commission staff.

O P I N I O N

This Commission upon its own motion ordered an investigation into the safety, maintenance, operation, use and protection of the crossing at grade of The Atchison, Topeka, and Santa Fe Railway Company tracks and a road used by the public and known as Crest Road, located in unincorporated territory in Merced County, which crossing is designated as Crossing No. 2-1063.3. This order, dated April 9, 1957, states that it was entered for the following purposes:

1. To determine whether or not said crossing is hazardous to the safety of the public.
2. To determine whether or not public safety, convenience or necessity requires the abolishment of said crossing by physical closing, or to the closing thereof to public use, or the alteration thereof, or the installation and maintenance of protective devices.
3. To prescribe the terms under which any such abolishment, closing, alteration, maintenance, or installation shall be made and the proportions in which the expense thereof shall be divided between The Atchison, Topeka and Santa Fe Railway Company and the County of Merced.
4. To enter any other order or orders that may be appropriate in the exercise of the Commission's jurisdiction.

Pursuant to the provisions of said order the Secretary of this Commission caused certified copies thereof to be served upon The Atchison, Topeka, and Santa Fe Railway Company, upon the Board of Supervisors of the County of Merced, the County Clerk of said County and the Road Commissioner of said County. Also, notice of hearing was given to said parties personally and the public was advised by publication. Personal notice was given to the property owners in the area by the County Road Commissioner.

Public hearing was held in Merced on July 11, 1957, before Examiner Rowe at which time evidence, both oral and documentary, was adduced and the matter was duly submitted for decision.

The Commission staff prepared and introduced into evidence as an exhibit an engineering report describing the crossing and its use by the railroad company and the public, and containing a map showing the location of the crossing and its relation to other crossings, and including photographs depicting this crossing from different angles. A 12-hour weekday traffic check showed that six vehicles and two horses with riders used the crossing.

This exhibit concluded with the recommendation that the crossing should be closed and abolished. The railroad company introduced into evidence additional photographs and a map showing this crossing and also roads and other nearby crossings. Its witnesses also recommended abolition of the crossing. The commandant of Castle Air Force Base wrote a letter to the county officials in which he stated that Crest Road serves no purpose to the Air Force and the crossing is very hazardous and he concurs with the proposal to close it.

Residents and a farmer owning property along Crest Road testified that its closing would inconvenience them. One witness who proposes to use his land as a trailer court testified that the closing

of this crossing which he considered dangerous would adversely affect the value of his land for trailer court use. His position appeared to be that Santa Fe Road as well as Crest Road in this area should be raised by the County so as to decrease the dangerous situation presented by the crossing with its present steep approaches.

One of the partners of a firm operating a feed plant on Crest Road testified that during the appropriate seasons his plant was served by many large trucks which used and needed this crossing. The operator of a hulling plant stated that during the season he also had need for this crossing. The use by these industries of other means of approach will be less convenient and will involve longer distances of travel. In view of the proximity of other safer crossings this additional travel is not great, however. Some local residents stated that they considered their use of the crossing to be safe. The Commission finds that while the use by local people of this crossing, which is familiar to them, may not be so hazardous as it is to strangers, it is inherently dangerous in its present condition. The grade from the south is 14 per cent and that from the north is 10 per cent. The differences in elevation make it impossible to see vehicular traffic coming from the opposite direction until there is serious danger of collision on the tracks in view of the fact that Crest Road is narrow at this point. The possibility of collision with oncoming vehicular traffic becomes more serious when it is remembered that passenger trains in this area travel 90 miles per hour. The County indicated no intent to raise the grades of any of the roads involved. The cost of conforming the grades of the roads to that of the railroad is found to be in excess of \$15,000. This cost appears to be excessive in the light of the minimum use of this crossing by the public. The County officials who testified did not recommend improvement or retention of this crossing.

The nearest crossing to the east is six-tenths of one mile away. This crossing is protected by automatic gates and flashing light signals. To the west seven-tenths of one mile is Shaffer Road crossing. While the only protection at this crossing now consists of reflectorized signs it will soon be equipped with No. 8 flashing light warning signals. A contract has been executed between the County and the railroad for the division of the cost of this protection. The Commission is of the opinion and finds that public safety requires that the crossing of Crest Road and the Santa Fe tracks at milepost No. 2-1063.3 should be closed to all traffic, both vehicular and pedestrian.

O R D E R

An investigation on the Commission's own motion having been instituted, a public hearing thereon having been held, the Commission now being fully advised and basing its decision upon the evidence of record,

IT IS ORDERED:

(1) That within thirty days after the effective date hereof the grade crossing of The Atchison, Topeka and Santa Fe Railway Company tracks at Crest Road in the County of Merced, which crossing is designated as Crossing No. 2-1063.3, shall be closed by The Atchison, Topeka and Santa Fe Railway Company to all vehicular and pedestrian traffic by constructing fences or other proper barriers, and the street surface shall be removed from the railroad right of way at the sole cost of said company.

(2) That within thirty days thereafter The Atchison, Topeka and Santa Fe Railway Company shall give the Commission written notice of the completion of all said construction and removal and its compliance with the terms hereof.

The effective date of this decision shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 27th day of August, 1957.

President
Paul W. Lister

R. Hardy

E. L. Taylor

Commissioners
Peter E. Mitchell
Commissioner S. Matthew J. Dooley being necessarily absent, did not participate in the disposition of this proceeding.