

Decision No. 12361

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of the County of Sacramento for)
permission to establish a grade)
crossing over the tracks of Sacra-)
mento Northern Railroad at Grove)
Avenue, North Sacramento.)

Application No. 5159

ORIGINAL

Charles Deterding, for the County of
Sacramento.
Charles L. Gilmore, for Petitioner.
Theodore W. Chester, for Sacramento
Northern Railroad, Protestant.

BY THE COMMISSION:

OPINION ON PETITION FOR MODIFICATION OF PRIOR ORDER

In this proceeding the County of Sacramento applied for permission to construct Grove Avenue at grade across two tracks of the Sacramento Northern Railroad near North Sacramento. After a public hearing the Commission rendered its Decision No. 7146 on February 20, 1920, denying the application. On May 19, 1923 the Commission ordered this matter reopened for further hearing upon the petition of Helen S. Gilmore, a resident of North Sacramento.

A public hearing upon this petition for modification of prior order was held in Sacramento on June 13, 1923, before Examiner Satterwhite.

The territory to be served by the opening of Grove Avenue is known as Norwood and now has some forty-eight (48) houses constructed and occupied. In 1920 there were only eight (8) houses in this same district. The only road which crosses the railroad to reach this territory is El Camino Avenue, an east and west county road. The major portion of the traffic from Norwood is destined for Sacramento, and the distance from the center of popu-

lation to the main highway to Sacramento is approximately one-fourth mile greater by the El Camino Avenue crossing than it would be were Grove Avenue constructed across the railroad.

There is a public road, Traction Avenue, located parallel and adjacent to the railroad on its southeasterly side, and another road, Altos Avenue, parallel and adjacent to the railroad on its northwesterly side, both of these extending between Grove and El Camino Avenues. The Grove Avenue crossing, if installed, would be six hundred and forty-four feet southwesterly from the existing crossing of El Camino Avenue. Due to the fact that the El Camino Avenue crossing is very narrow, and that there is a sharp turn of approximately one hundred and thirty-five (135) degrees in turning from Traction Avenue across the track into El Camino Avenue, the El Camino Avenue crossing is somewhat hazardous for the vehicular traffic that uses this route. The condition of El Camino Avenue crossing would be greatly improved were the crossing widened and the corner at the intersection of Traction and El Camino Avenues rounded off so as to increase the radius of the curve. This will require a small change in location of the cattle guards, fences and the energy rail of the railroad at this intersection. Mr. Rowray, General Manager of the Railroad, expressed his willingness to have these changes made. With this effected hazard of the El Camino Avenue crossing for vehicular travel to and from Norwood will be somewhat reduced.

There is, however, a remaining problem of considerable seriousness, namely that of pedestrian traffic. Pedestrians, who walk to the Del Paso Boulevard, either for the purpose of attending school, shopping or obtaining transportation to Sacramento are required to travel the additional distance of one-fourth mile by way of El Camino Avenue crossing unless they take the risk of

trespassing on the railroad right-of-way and crossing over the tracks and energized third rails in the vicinity of Grove Avenue.

It appears that a considerable portion of these pedestrians do actually so cross the railroad near Grove Avenue and a situation has thus arisen which constitutes a serious public hazard for under these circumstances all of the pedestrians crossing the main tracks at Grove Avenue incur not only the ordinary hazard of crossing a railroad track at grade, but also the additional hazard of coming into contact with the third rail used to supply electric current to trains operating on these tracks. No definite figures are available as to the amount of this pedestrian traffic.

The evidence in the proceeding indicates that public convenience and necessity require that some relief be afforded these pedestrians. Although the establishment of a crossing for vehicular traffic within six hundred and fifty (650) feet of the existing crossing does not appear to be justified, it does seem proper that a pedestrian crossing should be provided at Grove Avenue, it being evident that in this case the public safety will in fact be promoted thereby. Such pedestrian traffic should be safeguarded by the construction of wing fences across the right-of-way and the elimination of the third rail between the lines of the wing fences.

ORDER FOR MODIFICATION OF PRIOR ORDER

A public hearing having been held on the petition for modification of prior order in the above entitled proceeding, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the County of Sacramento to construct a public crossing for pedestrians only at Grove Avenue in the location shown on the map attached to the original application; said crossing to be con-

structed subject to the following conditions:

(1) The entire expense of constructing said crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Sacramento Northern Railroad.

(2) Said crossing shall be constructed of a width not less than twelve (12) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be protected by two suitable wing-fences across the right-of-way, except over the tracks themselves, not more than twenty (20) feet apart and said crossing shall in every way be made safe for the passage thereover of pedestrians.

(3) No portion of the electrically energized current rails shall be permitted to extend on that portion of said crossing between the lines of the wing-fences protecting said crossing. Posts or turn stiles shall be placed across said crossing at the right-of-way line in such a manner as to permit free passage of pedestrians, and to effectively prevent the passage of vehicles.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order 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 its permission if, in its judgment,

the public convenience and necessity demand such action.

This order shall become effective ten (10) days from the making thereof.

Dated at San Francisco, California, this 17th day of July, 1923.

Clarence J.

Dwight Martin
Egerton Shore

Commissioners.