

ORIGINAL

Decision No. 13022

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of
the People of the State of California
on relation of the Department of Public
Works for an order authorizing the con-
struction of a State Highway crossing
under the tracks of the Sacramento
Northern Railroad, a corporation, at
Tarke Station, Sutter County, California.) Application No. 9318

Paul F. Fratesco, for Applicant.

Chas. R. Detrick and Theodore W. Chester,
for Sacramento Northern Railroad.

Arthur Coates, for Sutter County.

J. H. Ahlf for Board of Supervisors, Sutter County.

WHEATSEY, COMMISSIONER:

O P I N I O N

In this application the people of the State of California, through the Department of Public Works, hereinafter called the Highway Commission, ask for an order authorizing the construction of a State Highway under the track of Sacramento Northern Railroad, near Tarke Station between Meridian and Sutter, and apportioning the cost thereof.

A public hearing was held on this Application in Sacramento, November 14, 1923.

The proposed crossing is located as shown in Applicant's Exhibit "A" under the track of the Colusa Branch of said railroad, about four hundred (400) feet westerly from the westerly levee of the Butte Slough upon which there now exists a public grade crossing

known as the Tarke crossing. Another grade crossing known as the Hageman crossing is located at Hageman Station about seventy-five hundred (7500) feet west of the proposed crossing.

The proposed crossing is on the State Highway, Route 15, known as the Ukiah-Tahoe Lateral, a portion of which is now being constructed (including concrete paving) from Williams to Yuba City, passing through Colusa, Meridian and Sutter City using for the most part the right of way of existing county roads. Where this subway is proposed, however, the State Highway is located on a new right of way, there never having been a road at this point. This new section of road extends in an easterly direction from a point southerly of the Hageman crossing about a mile and a half where it is proposed to cross under the track of the Colusa Branch of Sacramento Northern Railroad and connects with the westerly end of the Butte Slough highway bridge and viaduct about two hundred (200) feet northerly of the Tarke crossing. The part of this new section of highway south of the railroad has been graded and paved.

One of the existing county roads leads from the State Highway at a point south of the Hageman crossing, extends northerly across the railroad and then turns easterly and connects with the Butte Slough bridge. The other road extends southerly from the westerly end of the Butte Slough bridge, crosses the railroad at the Tarke crossing and connects with the Sutter Basin (a large agricultural district) and Knights Landing to the south. Sutter County is now constructing a short connecting road from the Sutter Basin road just south of the railroad in a westerly direction connecting with the new State Highway immediately south of the proposed undergrade crossing. The purpose of this connecting road is to divert the vehicular traffic from the Tarke crossing to the proposed undergrade crossing. Although this connecting county road will divert ordinary vehicular traffic from the Tarke crossing to

the subway, harvesters, tractors, and heavy farm implements will still continue to use the Tarke crossing because the subway structure will not have sufficient overhead clearance for large harvesters and because tractors would cause undue damage to the pavement of the highway.

The county road passing over the tracks at Hageman crossing was originally used by all east and west traffic between Williams and Yuba City but since the new stretch of State Highway has been built south of the railroad and the connecting county road to the Sutter Basin road has been opened practically all through traffic now uses the Tarke crossing. The Hageman crossing serves an agricultural territory north of the railroad and this road will continue to be a necessity for local travel.

It appears that the Hageman crossing is necessary to give an outlet to the local residents living north of the railroad and that it cannot be closed. The Tarke crossing, however, can be closed to all vehicular traffic except to harvesters, tractors, and heavy farming machinery and farm gates should be constructed on either side of the crossing and opened only to let such farming machinery cross over the tracks when the new crossing is constructed.

On November 6, 1923 a traffic check was taken at the Hageman crossing (Sacramento Northern Railroad Exhibit "E") which shows that fifty-one vehicles and fourteen trains passed over the crossing in the twelve hours between 6:54 a.m. and 6:56 p.m. At the Tarke crossing on November 7, 1923, 271 vehicles and fourteen trains passed over the crossing in the twelve hours between 6:56 a.m. and 6:44 p.m. Undoubtedly when the State Highway is entirely paved between Williams and Yuba City the through traffic will very materially increase.

Applicant estimates that the cost of grade separation as proposed would be approximately sixteen thousand (\$16,000) dollars excluding the cost of paving the roadway.

The accuracy of this estimate was not disputed by Sacramento Northern Railroad but it contended that for it to bear any portion of the cost of a subway under its tracks would be burdensome. It admitted that if grades were to be separated the location chosen was proper but expressed the opinion that grade separation was not justified. The Sacramento Northern sets forth that it has built four concrete and steel subways at Yuba City and Meridian. It appears that the bridge across the Feather River and the subways at Yuba City were built as no part of the Colusa Branch, but as a part of the main line between Marysville and Chico, and that the Colusa Branch actually starts at Colusa Junction, about three miles west of Yuba City.

A grade crossing at the location of the proposed subway would be relatively expensive and it appears that if a subway is to be constructed the most advantageous time for this work to be done would be the present while the highway is being constructed. If the Highway Commission had chosen to improve one of the existing county roads and a separation of grades should thereafter have been ordered at either of the existing grade crossings it is probable that one-half of the cost of grade separation would have been assessed to the railroad, but at either of these locations the cost of grade separation would have been considerably more than at the proposed point of crossing for the reason that the country is practically flat in the vicinity of the Hageman crossing and the Tarke crossing is located on the west levee of Butte Slough whereas at the point of proposed crossing the railroad is carried on a single track embankment about eleven feet high and the alignment of the highway is such that a sharp turn is eliminated at the west end of the Butte Slough Bridge.

It is equitable under the circumstances that the railroad

should pay some portion of the cost of grade separation but due to the fact that the Eageman crossing will remain open and that the Tarke crossing will be open for the movement of heavy farm implements, it does not appear proper that the railroad should bear as much as one-half of the cost of the subway. On the other hand, a study of all the evidence in this proceeding clearly indicates that the railroad will receive a substantial benefit from the construction of this subway and it appears equitable that the cost of this subway, exclusive of paving, should be assessed one-fourth to the railroad and three-fourths to the applicant. The cost of paving the highway both through the subway and on the approaches should be borne by applicant.

The following form of order is recommended:

O R D E R

The People of the State of California on relation of the Department of Public Works having applied to the Commission for an order authorizing the construction of an undergrade crossing under the tracks of Sacramento Northern Railroad near Tarke Station, Sutter County, and dividing the cost thereof, a public hearing having been held, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the People of the State of California on relation of the Department of Public Works be and they are hereby authorized to construct an undergrade crossing under the tracks of Sacramento Northern Railroad near Tarke, Sutter County, substantially in accordance with the plan marked Exhibit "A" attached to the application, subject to the following conditions and not otherwise:

(1) All clearances shall conform with the Commission's General Order Number Twenty-six.

(2) Substantial gates shall be constructed at the expense of applicant at the railroad right of way line on both sides of the existing Tarke crossing located approximately four hundred feet easterly of the crossing herein authorized and notices shall be posted stating that said existing Tarke crossing is to be used only for the movement of harvesters, tractors and heavy farm machinery.

(3) Applicant shall within thirty (30) days thereafter notify this Commission of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order the authorization herein granted shall then lapse and become void unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that the cost of constructing said undergrade crossing shall be borne as follows:

(a) Seventy-five (75) per cent of the cost of constructing the crossing exclusive of paving roadway shall be borne by applicant.

(b) Twenty-five (25) per cent of the cost of constructing the crossing exclusive of paving the roadway shall be borne by Sacramento Northern Railroad.

(c) The entire cost of paving the roadway shall be borne by applicant.

IT IS HEREBY FURTHER ORDERED, that 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 after the

making thereof.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 10th day of January, 1924.

C. Seavey
H. B. ...
Dwight Martin

J. T. Whittsey
Commissioners.