

Decision No. 13579

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the COUNTY OF SONOMA, in the State
of California, for a permit to con-
struct and maintain a public highway
crossing at grade over the right-of-
way and track of the Northwestern
Pacific Railroad Company at Station
2527-57 in said County of Sonoma.

Application No. 9535

ORIGINAL

Harry T. Kyle, for Applicant.

M. L. Gillogly for Northwestern Pacific Railroad Company.

MARTIN, COMMISSIONER:

O P I N I O N

In this application, the County of Sonoma seeks permission to construct a crossing at grade across the track of the Northwestern Pacific Railroad Company at Engineers Station 2527-57 in order to connect an east and west road known as Scenic Avenue in Subdivision No. 4 of Santa Rosa Farms, also known as the Stine and Kendrick Tract, with the State Highway on the east side of the railroad.

Santa Rosa Farms is divided into 5 subdivisions, which are again divided into five to ten acre tracts. There are three east and west roads through the Farms about 2400 feet apart. The most northerly of these roads is Scenic Avenue. There are also ten north and south roads through the Farms approximately eleven hundred and eighty feet apart. The most important of these is the Stony Point Road, a broad macadamized county road running from Wrights Station south to Stony Point. This road is about one and a quarter miles west of the crossing and slightly west of the north and south center line of the Farms. About three quarters of a mile north of Scenic Avenue, the Stone Point road intersects an east and west road, known as Todd Lane, which crosses

the railroad and runs into the State Highway. This is the nearest crossing north of Scenic Avenue. Todd School is located at the intersection of the Stony Point Road and Todd Lane.

The nearest crossing south of Scenic Avenue is at Wilfred Station, seven-tenths of a mile distant, where the State Highway crosses the railroad. At this point an east and west road approximately 1200 feet south of Scenic Avenue also crosses the railroad after running southeast and parallel with the railroad for about one-fifth of a mile.

Residents of Subdivision No. 4 of Santa Rosa Farms may travel under existing conditions into Santa Rosa by three routes, as follows:

Route 1. Via Wrights Station and Stony Point Road.

6.6 miles.

Route 2. Via Todd School, Todd Lane and the State Highway, 6.5 miles.

Route 3. Via Wilfred Station and the State Highway, 6.4 miles.

The route to Santa Rosa by the proposed crossing would be only 5.1 miles, of which about four and one-half miles are on concrete highway and six-tenths of a mile on earth road. Residents of this tract would save over two miles in distance on each round trip to Santa Rosa and also considerable travel on macadam and earth roads if the proposed crossing were opened.

Testimony offered shows that from 13 to 25 families own land that would be benefitted by the opening of the crossing, altho only about four to six families are now living on lands in the vicinity of the crossing. The lack of residents in this tract is probably due to the lack of proper roads. The land was sold off in small parcels before the roads were improved. As the soil is a heavy adobe the roads are almost impassable in winter. Testimony shows

that it has been the policy of the County Supervisors to refuse to improve the north and south roads in the tract except the main Stony Point County Road, and to improve the east and west roads only when the property holders had been willing and able to pay for half of the improvement. This policy has held back the development of this section. The discrimination in favor of east and west roads against north and south roads has further complicated matters by bringing travel up to the railroad right-of-way where grade crossings are required unless diverting routes are installed, whereas the improvement of through north and south roads might have relieved the situation without the necessity of additional grade crossings over the railroad.

Testimony by business men of Santa Rosa shows that the crossing applied for would allow them to serve the residents west of the proposed crossing. At the present time they are not reaching those residents due to the poor condition of the roads. The County has agreed to pay one-half of the costs of improving this road in case the crossing is opened to traffic and the property owners have already set aside the necessary funds to pay their portion of the cost of improvement. They have already partially graded the portion of the road between the railroad and the highway after having purchased the right of way and deeded it to the county.

The Northwestern Pacific Railroad Company objected to the opening of the crossing as an additional hazard and claimed that other means of ingress and egress to the subdivision west of the railroad could be constructed which would do away with the necessity of opening any additional crossings. The railroad company claims this could be accomplished by extending the existing road near Wilfred parallel with an adjacent to its westerly right-of-way line as far north as Todd Lane. They also suggested an alternate plan of extending the first north and south road to the west of the railroad about 2600 feet to Todd Lane. This road already extends about

1300 feet north of Scenic Avenue. Witness for applicant stated that the right-of-way for the latter road extension would cost about \$1000. and as the property owners along Scenic Avenue had already spent a good deal of money in acquiring a right-of-way east of the railroad and in improving Scenic Avenue, they could not afford to purchase an additional right-of-way 2600 feet long for either of the proposed roads.

The Commission's Engineer endorsed the idea of extending the first north and south road west of the railroad northerly to Todd Lane if such a plan were financially feasible. The present crossing at Wilfred if connected with Scenic Avenue by a road parallel and adjacent to the railroad on the west as proposed by the Railroad Company he considered would present a serious hazard to those who would use the proposed crossing, as travelers on the parallel road have their backs to south bound trains and on turning into the State Highway at Wilfred thru an acute angle and up a steep grade of approach have to watch out for automobile travel as well as railroad trains as the State Highway crosses the railroad at the same point. The present crossing is in open country with Scenic Avenue approaching the railroad approximately at right angles.

Although the Commission does not ordinarily favor the installation of new crossings where other means of travel are possible, on account of the additional hazard created, careful consideration of all the testimony in this case leads to the conclusion that additional hazard offered by the opening of this crossing is more than offset by the public convenience and necessity of its installation and, therefore, this application should be granted.

The following form of Order is recommended:

O R D E R

The Board of Supervisors of the County of Sonoma, State of California, having filed an application with this Commission asking for authority to construct a public road known as Scenic Avenue at grade across the tracks of the Northwestern Pacific Railroad Company at Engineers Station 2527+57, a public hearing having been held, the matter having been submitted and ready for decision and the Commission being of the opinion that this application should be granted, subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Sonoma, State of California, to construct a public road known as Scenic Avenue at grade across the tracks of the Northwestern Pacific Railroad at Engineers Station 2527+57 as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the 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 crossings between lines two (2) feet outside of the outside rails shall be borne by the Northwestern Pacific Railroad Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of approximately seventy-five degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion 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.

(5) 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 three (3) days from 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 21st day of May, 1924.

C. S. Lewis
H. R. Brundage
Irving Martin
Eugene Shore
J. T. Whittey