

Decision No. 14994

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the CITY OF SACRAMENTO for an order authorizing the opening of Larkin Way and Second Avenue at grade across the track and right of way of The Western Pacific Company in the City of Sacramento.

) Application No. 10889.

R. L. Shinn and W. C. Zottorff,  
for Applicant.

Lester J. Hinsdale for The Western  
Pacific Railroad Company.

J. C. Carly, for property owners.

ORIGINAL

SEAVEY, COMMISSIONER:

O P I N I O N

In this application the City of Sacramento requests permission to construct Larkin Way and Second Avenue at grade across the main line of The Western Pacific Railroad Company, in the City of Sacramento, County of Sacramento, California.

A public hearing was held in Sacramento on May 19, 1925.

The Western Pacific Railroad Company's main line tracks run through Sacramento in a southerly direction between 19th and 20th Streets to Y Street, then curve southeasterly and cross 21st Street at grade approximately one-half mile south of Y Street.

The territory south of Y Street and west of The Western Pacific Railroad Company's track has recently been subdivided and is rapidly being built up and occupied.

Larkin Way and Second Avenue are east and west streets extending westerly through this new subdivision from The Western Pacific Railroad Company's right of way. These streets are so laid out that they can connect with like named streets east of the railroad. It is these two streets for which authority is requested for permission to construct crossings at grade across the railroad.

Larkin Way does not run farther east than 21st Street, while Second Avenue extends easterly through to the Oak Park district and the eastern part of the city, and it is expected that in the near future Second Avenue will be projected westerly from the Homeland track to Riverside Boulevard. Second Avenue would then become a through east and west street for the southern portion of the city.

There now exists important grade crossings over The Western Pacific Railroad Company's track at Y street and at 21st Street and an unimportant grade crossing at Markham Way about seven hundred feet northerly of the 21st Street crossing. The proposed Larkin Way and Second Avenue crossings are located between the Y Street crossing and the Markham Way crossing.

The two crossings applied for are desired primarily to give the residents west of the railroad a convenient outlet to the street car line on 21st Street, which is the only available car line, and also to give the fire department a more direct route from the fire house located at 25th Street and 3rd Avenue to the district west of the railroad. The residents who go to the business district by auto do not need to cross the railroad as the business district of the city is also on the westerly side of the tracks. Nineteenth Street, which is parallel to and west of the railroad right of way, is being constructed southerly from Y Street to within a short distance of Markham Way and condemnation proceedings are now in progress for the extension of Nineteenth Street to

Markham Way. When Nineteenth Street is thus extended not more than one crossing will be necessary between Y Street and 21st Street.

It appears that only one crossing is necessary between the Y Street crossing and the 21st Street crossing to amply serve the territory and that the most logical location for the crossing would be at Second Avenue, as the latter is a through street to the easterly part of the city. It also appears that the crossing at Markham Way can be closed, as representatives for the applicant testified that the crossing at Second Avenue would be sufficient for public needs at this time and that there was no objection to the closing of the crossing at Markham Way. The railroad signified that it does not object to the construction of Second Avenue at grade over its tracks. The public convenience and necessity do not at this time appear to require the construction of the proposed crossing at Larkin Way.

To properly protect the crossing at Second Avenue an automatic flagman should be installed, cost of its installation to be borne by the applicant.

The following form of order is recommended.

#### O R D E R

The City of Sacramento having applied to the Commission for permission to construct Larkin Way and Second Avenue at grade across The Western Pacific Railroad Company's main line in the City of Sacramento, County of Sacramento, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Sacramento to construct Second Avenue at grade across the track of The Western Pacific

Railroad Company as shown by the map attached to the application and entitled "Plan and Profile of proposed crossing of Second Avenue over Western Pacific R. R. Company's right of way," said crossing to be constructed subject to the following conditions, viz:

(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 crossing between lines two (2) feet outside of the rails shall be borne by The Western Pacific Railroad Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of The Western Pacific Railroad Company

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle with the railroad track as shown by the map attached to the application and with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by The Western Pacific Railroad Company.

(4) The existing public grade crossing at Markham Way, located approximately six hundred feet south from

Second Avenue shall be legally abandoned and effectively closed to public use and travel.

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

(6) 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.

(7) 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.

IT IS HEREBY FURTHER ORDERED that that portion of the above entitled application in which permission is sought for the construction of Larkin Way at grade across The Western Pacific Railroad Company's track be and it is hereby denied.

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.

The effective date of this Order shall be twenty (20) days from the date thereof.

Dated at San Francisco, California, this 3rd day of June, 1925.

H. P. Brundage

George D. Squires  
George W. Cook

Commissioners.