

Decision No. 15019

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the Board of Supervisors of Sacramento )  
County (Howard K. Johnson, Chairman) )  
for an order authorizing the opening )  
of a grade crossing over the Southern ) Application No. 10775.  
Pacific Railroad which is located )  
South 38° 45' West 4704 feet along )  
said railroad from Walerga Station, )  
Sacramento County, California. )

Chas. W. Deterding, for County of Sacramento.  
F. W. Mielke for Southern Pacific Company.  
L. B. Schei for Sacramento Suburban Fruit Lands Co.

BY THE COMMISSION:

O P I N I O N

In this application the County of Sacramento asks for authority to construct a public road at grade across the tracks of Southern Pacific Company approximately 4700 ft. southwest of Walerga Station.

A public hearing on this proceeding was held in Sacramento on April 14, 1924, at 2:00 P.M. before Examiner Austin.

Prior to a consideration of the evidence taken in this matter, reference should be made to Application No. 8176, wherein the County of Sacramento made application for a public crossing approximately 1700 ft. southwest of Walerga Station, which was proposed to serve approximately the same territory as the crossing now under consideration. Following a public hearing, permission to construct the crossing first applied for, was granted by this Commission on March 29, 1923, in its Decision No. 11838, provided that an existing crossing some 2600 ft. northeast of Walerga Station be closed to public use. However, the County found it impossible to close this crossing due to objections of several residents, and

the Commission's order granting permission to construct was therefore revoked by its Decision 13451.

This application for a public crossing approximately 4700 ft. southwest of Walerga Station serves in general, the same territory as the crossing authorized in the Commission's previous decision, and if granted, will provide a more even distribution of public crossings over Southern Pacific tracks between Ben Ali and Antelope.

The country adjacent to the proposed crossing has been subdivided by the Sacramento Suburban Fruit Lands Company and is being sold off in small parcels, each suitable for cultivation by one family. The main use to which the land is put is poultry raising, and in order to attract purchasers to the land, the Land Company has established a cooperative buying and marketing association at Rio Linda, about  $3\frac{1}{2}$  miles west, and thence  $1\frac{1}{2}$  miles north of the proposed crossing. A considerable portion of this property lies on the east side of the track, and the Land Company is therefore desirous of securing a direct route connecting its holdings with Rio Linda.

At the present time access to Rio Linda is secured from the property east of the tracks by way of Auburn Boulevard and across Ben Ali crossing, thence by way of Marysville Road to Rio Linda. This route traverses one Southern Pacific crossing and two Sacramento Northern Railroad crossings, of which the latter two would be avoided by the direct road herein proposed.

The first crossing northeast of the proposed location is 7310 ft. and is known as the old Walerga crossing. This crossing, it appears, has become public through use, counsel stating that no grant or deed to it has ever been given by Southern Pacific Company. There are no crossings beyond this one until the Town of

Antelope is reached, approximately 2.4 miles distant. Southwest of the proposed crossing, a distance of 12082 feet is what is known as the Claremont crossing and beyond that, a distance of 6935 feet, is the Ben Ali crossing.

Testimony as to the population of the district to be benefited by the proposed crossing indicates at present a total of 392 families on the Land Company's property, of which fifty-six are east of the tracks. It was further estimated that approximately 500 people in the neighborhood of the crossing would be benefited by this construction. Several witnesses testified to the burden now imposed on these people by the absence of the crossing, especially during the rainy season. This testimony also indicated that the old Walerga crossing was of no benefit to them and could be closed without inconvenience to the residents of the district.

Although the traffic over the road of which this crossing would form a part would be mainly local, this route would provide a cross-county highway between Auburn Boulevard and the Marysville Road which would be a convenience to many through travelers. The traffic will probably be mainly vehicular with a comparatively high percentage of trucks.

The location chosen for the crossing is at a point where there are no obstructions to view of approaching trains for one-half mile in either direction up to a distance along the road of 500 ft. from the crossing. Approach grades would be easy; being substantially level on the east side and about 3 per cent upward toward the track on the west side. The crossing would be constructed at right angles to the Southern Pacific Company's track.

Railroad traffic is heavy, consisting of an average of 68 trains daily during the Winter and 108 trains daily during the Summer, operating at high speeds on double track. Of these trains, twenty are regular passenger, eight regular freight, and the re-

mainder extra. There are no switching movements at the crossing.

It appears that the use of an alternate route in order to avoid the crossing is impracticable, and the cost of a grade separation would be such as not to justify its construction for the traffic involved.

In view of the large number of trains operated at high speeds on double track, the crossing if constructed should be protected by the installation of an automatic flagman, in addition to a standard crossing sign.

Although testimony was taken to the effect that the old Walerga crossing is not used by the residents of the Rio Linda district, it appears that there is not sufficient evidence in this proceeding to justify the Commission in determining at this time whether or not this old Walerga Crossing should be closed.

After a careful consideration of all the evidence, it appears that public convenience and necessity require the construction of a crossing at the point applied for in this application.

It appears that the County should bear the cost of installing a standard creosoted plank crossing of a width of 24 feet, the maintenance of said crossing within lines two feet outside of the outside rails to be borne by Southern Pacific Company. The cost of installing an automatic flagman should be borne by applicant, and the cost of maintenance of that device should be borne by the railroad.

The following form of order is recommended:

O R D E R

Board of Supervisors of Sacramento County having made application for permission to construct a public highway across the track of Southern Pacific Company near Walerga Station, a public hearing having been held, the Commission being apprized 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 Board of Supervisors of the County of Sacramento, State of California, to construct a County road at grade across the tracks of Southern Pacific Company, as follows:

Beginning at a point which bears North  $38^{\circ} 45'$  East, 135.8 feet from the point where the center line of Madison Avenue (which is also the East and West Quarter Section Line, running through the center of Section 38 of the Rancho Del Paso) intersects the easterly right of way line of the Southern Pacific Railroad Company. Thence from said point of beginning North  $51^{\circ} 15'$  West 146 feet to the westerly right of way line of the Southern Pacific Railroad; thence along said westerly right of way line North  $38^{\circ} 45'$  East 40 feet; thence south  $51^{\circ} 15'$  East 146 feet to the easterly right of way line, of the Southern Pacific Railroad; thence along said easterly right of way line south  $38^{\circ} 45'$  west 40 feet to the point of beginning, containing 0.134 Acres.

and 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 crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific 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 Southern Pacific Company.

(2) The crossing shall be constructed with standard creosoted plank of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) 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) An automatic flagman shall be installed for the protection of said crossing, cost of installation to be borne by applicant. The maintenance of said flagman shall be borne by Southern Pacific Company. Said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission.

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

(5) 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.

(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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup>  
day of June, 1925.

W. A. Brundage

W. L. Seavey

George D. Squire

Commissioners.