

Decision No. 15308

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Central California Traction Company, a corporation, for permission to reconstruct a single line of standard gauge railroad track along, over and across the Stockton Boulevard, running partly through the County of Sacramento, and over, across and along certain streets and highways, and also over and across certain tracks of the Pacific Gas and Electric Company.

Application No. 11466.

- Butler, Van Dyke & Desmond, by J. W. S. Butler, and E. J. Foulds, for the Applicant.
- R. L. Shinn, City Attorney, H. C. Botorff, City Manager and A. J. Wagner, City Engineer, for the City of Sacramento.
- R. W. DuVal for the Pacific Gas and Electric Company.
- J. C. McLeod, for the California Highway Commission.

BY THE COMMISSION:

O P I N I O N

This is an application filed under Section 43 of the Public Utilities Act on July 22, 1925, by the Central California Traction Company for permission to relocate a single line of standard gauge railroad track across certain streets and highways and for permission to construct said track across certain tracks of the Pacific Gas and Electric Company. Said street crossings are partly in the City of Sacramento and partly in the County of

Sacramento as follows:

Crossings within the City of Sacramento are:

Portion of Second Avenue	Alley between 7th and 8th Avenues
Portion of Stockton Blvd.	Eighth Avenue
Catala Way	Alley bet. and opposite 8th & 9th
Third Avenue	Avenues
Unnamed Street	Ninth Avenue
Fourth Avenue	Tenth Avenue
Fifth Avenue	Eleventh Avenue
Sixth Avenue	Twelfth Avenue
Seventh Avenue	Thirteenth Avenue
	Fourteenth Avenue

Crossings in unincorporated portion of Sacramento County:

Elliott Avenue	Yocemite Avenue
Unnamed Street opposite Elliott Avenue	Unnamed Alley opposite Yosemite Avenue
Claire Avenue	Parker Avenue
Hillside Avenue	Roosevelt Avenue
San Francisco Boulevard	Portion of Stockton Boulevard

The carrier states in the application that it makes application unwillingly and as a result of the desire of the State Highway Commission and the City of Sacramento to pave and improve Stockton Boulevard, the main highway between Stockton and Sacramento. Paving of this road has been held up for two years and it is in a very poor condition.

A public hearing was held at Sacramento before Examiner Austin on Friday, July 31, 1925.

At the present time the track of the Central California Traction Company turns from Second Avenue on the west side of Stockton Boulevard across Stockton Boulevard and a portion of Second Avenue and runs south parallel to Stockton Boulevard and on the inside of the curb line to a point opposite Fourth Avenue. From Fourth Avenue to Fourteenth Avenue it lies just outside the curb line. It crosses the following streets:

In the City of Sacramento:

Stockton Boulevard	Alley opposite & bet. 8th & 9th Aves.
Portion of Second Avenue	Ninth Avenue
Catsla Way	Tenth Avenue
Unnamed Street opposite and bet. 3rd & 4th Avenues	Eleventh Avenue
Fifth Avenue	Twelfth Avenue
	Thirteenth Avenue
	Fourteenth Avenue

Outside City of Sacramento:

Unnamed Street opposite Elliott Avenue	Unnamed alley opposite Yosemite Avenue
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San Francisco Boulevard

It is proposed to move the track from its present location to the center line of Stockton Boulevard from a point near Fifth Avenue south to the curve beginning at Roosevelt Avenue. From Second Avenue to Fifth Avenue the track is to be located eleven and one-half feet east of the center line of Stockton Boulevard. There are two main issues to be considered; first the effect of this relocation of track upon the hazard at the several crossings now existing and the additional hazards caused by traffic crossing the track from new crossings to be constructed, and second, the apportionment of cost of so relocating the track at the several crossings.

The traffic from Third Avenue, Fourth Avenue, Sixth Avenue, Seventh Avenue, the alley between Seventh and Eight Avenue, Eighth Avenue, Twelfth Avenue, Claire Avenue, Yosemite Avenue, Parker Avenue and Roosevelt Avenue does not cross the existing track of the Traction Company but turns into Stockton Boulevard and moves thereon for some distance after which a portion may cross to diverting streets. Such of this traffic as is northbound must of necessity, have to cross the track in the location proposed along or near the center line of Stockton Boulevard. Additional hazard will, therefore, be introduced at the last mentioned streets.

Under present conditions all traffic on Catala Way, the unnamed street opposite Third Avenue, the alley opposite to and between Eighth and Ninth Avenue, Twelfth Avenue and Thirteenth Avenue east of Stockton Boulevard and the alley opposite Yosemite Avenue, must cross the existing track. If this track is moved to the center of Stockton Boulevard, westbound traffic on these streets turning north into Stockton Boulevard and northbound traffic on Stockton Boulevard turning into these streets will not be required to cross the tracks. Existing hazards will be abolished to this extent and may be considered to offset the hazards created by the new traffic lane crossings inaugurated for streets entering Stockton Boulevard from the west.

The location of the existing track close to the property line of the street is more hazardous in our opinion to traffic using all of the streets entering Stockton Boulevard from the east than the proposed location would be for the reason that trees, structures or any other obstructions which are now or which may be located along the property lines of these intersections obstruct or would obstruct the view of the track much more seriously as the track now exists than would be the case if it were located along the center of the street for in the latter case almost one-half of the open street must be crossed before reaching the track. Such street crossings as Fourteenth Avenue and Ninth Avenue which extend both east and west from Stockton Boulevard will be benefited by such relocation for the same reason and to the same extent.

At Second Avenue both north and south traffic on Stockton Boulevard now cross the existing track. Under proposed conditions only the southbound traffic on the boulevard will cross the track. Near Roosevelt Avenue traffic on Stockton Boulevard does not cross the track as now located but under the conditions proposed northbound traffic will cross the track. It would appear that these

two conditions also tend to offset each other. At Second Avenue under the proposed scheme it appears that there would not be sufficient room for an automobile to pass from Second Avenue south on Stockton Boulevard between the proposed curb line and a car of the Traction Company. This would create a hazardous condition and should be remedied by increasing the distance around the curve from curb line to center of track to at least twelve feet by the acquisition of a portion of the land adjoining this corner.

After a careful consideration of all of the evidence concerning these crossings it appears to the Commission that the locations proposed for the track at these crossings is less hazardous in toto than the locations at the crossings now existing.

The relocation of the track from Second Avenue to Fourth Avenue, as proposed in this proceeding, requires that the double track street car line of the Pacific Gas and Electric Company be crossed at its curve into Fourth Avenue. The Pacific Gas and Electric Company does not desire to have the crossing installed but offers no objection thereto if the public interest requires it. That company, however, does not believe that it should pay any portion of the cost of installing or maintaining the crossing.

Between Catala Way and Fourth Avenue the track of the Central California Traction Company and the tracks of the Pacific Gas and Electric Company are parallel to each other and run along the front of the State Fair Grounds. The track of the Traction Company lies between the Fair Grounds and the Pacific Gas and Electric Company's double track which lies one on each side of the curb line.

The Traction Company objects to moving out into the street along this frontage as it states the hazard will be increased by having its disembarking passengers cross the Pacific Gas

and Electric Company's tracks. It also objects to the hazard involved in crossing the Pacific Gas and Electric double track line at the Fourth Avenue curve. However, the Pacific Gas and Electric tracks stub end near Catala Way and their cars will either be at a standstill or moving very slowly in front of the Fair Grounds. The cars of the Traction Company, on the other hand, are operated on a through track and will therefore undoubtedly move at higher speeds than the Pacific Gas and Electric cars. There appears to be less hazard to disembarking passengers under the proposed conditions than under the existing conditions. The retention of the Traction Company track inside the sidewalk area from Second to Fourth Avenues would also require the crossing of its track at Second Avenue and at Fourth Avenue by northbound traffic on Stockton Boulevard. This would not occur under the proposed scheme. As to the crossing of the street car double track line, no more hazard is introduced than that which occurs at any other interurban and street car crossing in the city where all cars are required to stop before proceeding over the crossing.

After due consideration of the testimony, it appears to the Commission that the application should be granted and it will be so ordered.

There now remains for consideration the apportionment of the cost of installing the crossings. If Stockton Boulevard were to be fully paved, with the track of the Traction Company in its present position, the Company would undoubtedly be required to reconstruct and pave its track at its own expense across all the streets entering Stockton Boulevard from the east or crossing Stockton Boulevard completely. Moving the track to the center of the street will not increase the cost of these crossings, in fact the cost should be less as these proposed crossings can be laid without the operation of trains over them. Under the proposed

conditions, traffic across these street crossings will be relieved to some extent and lines of vision will be improved, as hereinbefore outlined, and conditions on the whole will be less hazardous, although certain lanes of traffic from stub streets entering Stockton Boulevard from the west will cross the tracks in their new location and will in part offset the improvement attained on the east side of the street. On the whole, we are of the opinion that crossing conditions will be less hazardous under the proposed track change. We therefore believe that the applicant should be assessed with the cost of installing and maintaining the street crossings and it will be so ordered.

The Pacific Gas and Electric Company cites a number of the decisions of this Commission in which the applicants, in each instance, were assessed with the cost of installing crossings of other railroad tracks at grade. The Commission has always taken the position that it has no hard and fast rules in such matters and that each proceeding must be decided on its merits, in accordance with the particular conditions surrounding it. This was the position taken by the Commission in apportioning the cost of a public road crossing in Decision No. 11244 (22 C.R.C. 516), cited by counsel for Pacific Gas and Electric Company. Usually in the cases of track crossings at grade, which have come before this Commission for an apportionment of cost, applicant's chief aim in seeking such facilities has been the development of their own business. Such was the condition in each of the spur track crossing decisions cited by counsel for Pacific Gas and Electric Company. In this particular case, the crossing is incident to a general public improvement and it is entirely fair that both of the interested railroads should share in the cost, as any increased development in this district, under the proposed improvement, will benefit both of the railroads to some degree. It therefore appears reasonable that the cost of constructing and maintain-

ing the crossing of the double track street car line of the Pacific Gas and Electric Company by the proposed track of the Central California Traction Company should be equally divided between the Pacific Gas and Electric Company and the California Traction Company.

O R D E R

Central California Traction Company, having on July 22nd, 1925, made application to the Commission for permission to reconstruct a single line of standard gauge railroad track along, over and across Stockton Boulevard and across certain streets and highways, partly in the City of Sacramento and partly in the unincorporated portion of the County of Sacramento, and having also made application for permission to reconstruct said railroad track across certain tracks of the Pacific Gas and Electric Company in the vicinity of Fourth Avenue and Stockton Boulevard in the City of Sacramento, a public hearing having been held, and the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that Central California Traction Company be and it is hereby granted permission to reconstruct a single standard gauge railroad track at grade across the following streets in the City of Sacramento, County of Sacramento, State of California:

Portion of Second Avenue	Alley between 7th and 8th Avenues
Portion of Stockton Blvd.	Eighth Avenue
Catala Way	Alley bet. and opposite 8th & 9th Avenues
Third Avenue	Ninth Avenue
Unnamed Street	Tenth Avenue
Fourth Avenue	Eleventh Avenue
Fifth Avenue	Twelfth Avenue
Sixth Avenue	Thirteenth Avenue
Seventh Avenue	
	Fourteenth Avenue

as shown by maps (Sheets No. 1-a, No. 2, No. 3 and No. 4), attached to the application.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to the Central California Traction Company to reconstruct its track at grade across the following streets in the unincorporated portion of the County of Sacramento, State of California:

Elliott Avenue	Yosemite Avenue
Unnamed Street opposite Elliott Avenue	Unnamed Alley opposite Yosemite Avenue
Claire Avenue	Parker Avenue
Hillside Avenue	Roosevelt Avenue
San Francisco Boulevard	Portion of Stockton Boulevard

and as shown by the map (Sheets No. 5 and No. 6) attached to the application.

IT IS HEREBY FURTHER ORDERED that permission for the construction of all of said crossings hereinbefore authorized be and it is subject to the following conditions:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding one (1) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED that permission be and it is hereby granted to the Central California Traction Company to construct a single line of standard gauge railroad track across the tracks of the Pacific Gas and Electric Company in the vicinity of Fourth Avenue and Stockton Boulevard in the City of Sacramento, County of Sacramento, State of California, as shown by the map, (Sheet No. 1-a) attached to the application, said crossing to

be constructed subject to the following conditions:

(1) The entire expense of constructing crossing shall be borne equally by applicant and Pacific Gas and Electric Company. Cost of the maintenance of said crossing in good and first-class condition shall be borne by applicant.

(2) All trains, motors, engines or cars of applicant and of Pacific Gas and Electric Company shall stop before going upon or over said crossing and shall not proceed thereover until it has been ascertained that it is safe so to do.

(3) Applicant shall within sixty (60) days of the date of this order file with the Commission a duly executed copy or copies of agreement or agreements with said Pacific Gas and Electric Company covering the terms of installation, operation and maintenance of said crossing.

IT IS HEREBY FURTHER ORDERED that all of said street crossings and said double track street car crossing are authorized subject to the further following conditions:

(1) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of each and all of said crossings.

(2) If said crossings, or any of them, 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.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 18th day of August, 1925.

C. S. Sweeney

George D. Squires

Leon Whitell

Commissioners.