

Decision No. 16734

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of
Southern Pacific Company for an
order authorizing the construc-
tion at grade of a spur track
across County Highway in the vic-
inity of Rutherford, County of
Napa, State of California.

Application No. 12776.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application with this Commission on the 21st day of April, 1926, asking for authority to construct a spur track at grade across a County Highway in the vicinity of Rutherford, County of Napa, State of California, as hereinafter set forth. The necessary franchise or permit (dated April 13, 1926) has been granted by the Board of Supervisors of said County of Napa for the construction of said crossing at grade. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned in this application with said County Highway and 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 Southern Pacific Company to construct a spur track at grade across a County Highway in the vicinity of Rutherford, County of Napa, State of California, as follows:

Beginning at a point in the northeasterly line of the Southern Pacific Company's right of way, said point being distant in a southeasterly direction, 120 feet, more or less, measured along said northeasterly line of the Southern Pacific Company's right of way, from the most northerly corner of that certain parcel of land deeded by H. Rohlwing to the Napa Valley Railroad Company by quit claim deed dated May 5, 1869, said deed being recorded and filed on June 2, 1869, in the office of the Recorder of Napa County, in Book L at Page 479 thereof. Proceeding thence in a southeasterly direction, on the arc of a curve to the left whose radius is 459 feet a distance of 41 feet more or less; thence continuing in a southeasterly direction on a straight line tangent to the last described curve at the last described point, a distance of 69 feet more or less to a point; thence on the arc of a curve to the right whose radius is 459 feet, said curve being tangent to the last described course at the last described point a distance of 45 feet more or less to a point, said point being in the northeasterly line of the county road and distant thereon 440 feet more or less from its intersection with the southeasterly line of the property of Mr. G. De Latour;

and as shown by the map (Western Div'n. Dwg. R-174, Sheet 1 Revised) attached to the application; said crossing to be constructed subject to the following conditions, namely:

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

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said highway 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.

(3) A derailing switch shall be installed at the northeasterly boundary of said County Highway and said derail shall at all times, excepting during actual movements of trains across the highway, be kept locked in such a position that any car, train or engine moving toward the highway from the easterly side thereof will be derailed.

(4) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(5) No train, motor, engine or car shall be operated over said crossing between the hours of 8 p.m. and 6 a.m. of any week day nor shall any train, motor, engine or car be operated over this crossing at any time during any Sunday or legal holiday.

(6) Southern Pacific Company and the owner of the industry for whose benefit this crossing is authorized, shall, before actual construction of said crossing is undertaken, file with the Commission a stipulation or stipulations containing provisions that, upon payment to them of a reasonable compensation, permission will be granted by them and their successors in interest to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct a track across such portion of said owner's land as may be reasonably necessary to reach the property or business of such other person, persons or corporation, together with the right to operate cars over same.

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

(8) 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.

(9) 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 17th day of May, 1926.

H. H. ...
C. ...
...
Leon ...

Commissioners.