

Decision No. 16867.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of COLONIAL IMPROVEMENT COMPANY, a corporation, to have a street crossing at grade constructed and installed over and across the right of way of Central California Traction Company, a public utility corporation, at the intersection of Herbert Avenue, as said Avenue is shown on the Official Map or Plat of Colonial Acres No. 3, and the right of way of said Central California Traction Company.

ORIGINAL

Application No. 12,218.

Harry H. Howell for the County of Sacramento.

Gerald R. Johnson for Colonial Improvement Company.

BY THE COMMISSION:

OPINION

This application, which was originally filed by Colonial Improvement Company and subsequently through the filing of a joinder by the County of Sacramento became the application of that County, requests authority to construct a public road at grade over the track of Central California Traction Company in the vicinity of the southerly limits of the City of Sacramento.

A public hearing was held at Sacramento on April 16 before Examiner Austin.

The Colonial Improvement Company is a corporation organized primarily for the purchase, subdivision and sale of real estate. It has during the past few years subdivided and promoted the sale of a tract of land known as Colonial Acres, lying

immediately south of the City of Sacramento between 14th Avenue, which for a portion of its length, forms the southerly city limits, and the track of Central California Traction Company a half mile to the south. This tract has now been disposed of and is being built up by the purchasers. The Colonial Improvement Company now contemplates the subdivision of a tract some 200 acres in extent lying south of the Traction Company line and between the track and the Fruitridge Road, the latter road being parallel to and one-half mile distant from the railroad, and the crossing requested proposes the extension of Herbert Avenue, one of the streets in the original subdivision, across the Central California Traction Company track into the new subdivision.

Both 14th Avenue and the Fruitridge Road extend westerly to the State Highway or Upper Stockton Road as it is known locally, a main north and south road. The Traction Company track is laid in this highway to a point midway between 14th Avenue and Fruitridge Road when it turns east into private right of way lying parallel to and half way between these two roads crossing the track of Southern Pacific Company about two miles east of the State Highway at separated grades.

There are at present two crossings over the Central California Traction Company tracks between the Highway and the Southern Pacific track and a third road a few hundred feet east of the latter railroad, crosses under the approach to the structure which provides grade separation between the two railroads.

The location of these crossings is not very clearly designated in the record, the witness not being informed as to distances, but according to the map which was filed with the application there is one crossing, presumably the San Benito Avenue referred to in the

record, 2,360 feet west of Herbert Avenue and the nearest crossing east is 3,360 feet from Herbert Avenue. The area between the roads leading to these crossings from the Fruitridge Road, lying on the southerly side of the track is at present an open field without habitation of any sort. The extension of Herbert Avenue would traverse this area.

The only witness was the Manager of the Colonial Improvement Company. No other residents or property owners of the vicinity appeared, nor did the County of Sacramento present any evidence or participate in the hearing in any way excepting, on request of the Examiner, to enter its appearance. No one representing the Central California Traction Company was present but the consent of this Company is filed with the Application.

It is not apparent wherein there is at the present time any public necessity for the crossing applied for. The tract of land it is proposed to reach fronts on two public roads, one of which offers a direct connection to the State Highway and access to the property from all directions is available without undue inconvenience. Existing crossings appear sufficient to provide such little intercommunication as may be required at present between the north and south sides of the railroad.

It may be that the subdivision and settlement of this property will at some time in the future create a public need for a crossing in the vicinity of Herbert Avenue, and when such need develops and can be shown, it will be proper to again take up the matter of having the crossing authorized. It is not the policy of this Commission to grant public grade crossings over railroad tracks merely to promote the sale of real estate or as a convenience to salesmen showing that real estate to prospective purchasers.

Any grade crossing is a source of hazard to both the public on the road and the public using the railroad, and such crossings should be installed as a result of public necessity, not solely for the purpose of creating a necessity for the public to cross a railroad track.

The application will, therefore, be denied.

O R D E R

The Board of Supervisors of the County of Sacramento having made application for permission to construct a public highway at grade across the tracks of Central California Traction Company in the vicinity of Sacramento, 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 the above entitled application be and it is hereby denied.

The effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of June, 1926.

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

Commissioners.