

16990

Decision No. 16990.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of THE COUNTY OF SONOMA for per-  
mission to construct a grade cross-  
ing across the right of way of the  
Petaluma and Santa Rosa Railroad  
Company.

Application No. 12,771.

E. W. Hoyle, District Attorney for County of Sonoma.  
J. C. Mc Minn, for County of Sonoma.  
E. H. Maggard and W. G. Rennison, for Petaluma and  
Santa Rosa Railroad Company.  
G. J. Reading and G. L. Ayres for Barnett & Reading, Inc.

BY THE COMMISSION:

O P I N I O N

This is an application filed by the County of Sonoma in which authority is sought to construct a grade crossing across the main track of the Petaluma and Santa Rosa Railroad at a point about 6,000 feet West of the City Limits of the City of Santa Rosa near Wright Station.

A public hearing was held in this proceeding at Santa Rosa before Examiner Austin.

The proposed crossing is desired in connection with a subdivision of the Wright Station Tract of eighteen (18) half-acre lots located on the Southwest corner of the intersection of the Santa Rosa - Sebastopol Highway and the Stony Point Road. The proposed crossing and the road to be constructed in connection therewith are approximately 503 feet West of the Stony Point Road. The subdivision is laid out in two tiers of lots, one tier facing on the

Stony Point Road, the other tier facing on the proposed road. All of the lots except two in the tier facing on the Stony Point Road have been sold. None of the lots facing on the proposed road have been sold as the owners have withheld the sale until the matter of the proposed crossing is disposed of.

The proposed road will connect with an existing road which leaves the Stony Point Road about 1200 feet South of the Santa Rosa - Sebastopol Highway and which extends West some 2000 feet parallel thereto. It is proposed to extend this road West one mile to connect with another road running East and West through the Ledy Estate. This latter road connects with a North and South road which crosses the Petaluma and Santa Rosa Railroad and enters the Santa Rosa - Sebastopol Highway.

Two houses have been built on the Wright Station tract on two of the most southerly lots facing on the Stony Point Road. Building restrictions on this tract are as follows: No residence to be built costing less than \$2500. No buildings to be built within ten feet of the property lines and set back line in front of property to be forty feet from main roads.

Mr. Samson B. Wright, who is interested in the subdivision also owns a tract of land South of the subdivision and another tract fronting for 1000 feet along the railroad beginning about 500 feet West of the proposed crossing. Mrs. Wright owns the 500 foot strip lying between the proposed road and this Wright tract. The main track of the Petaluma and Sebastopol Railroad Company extends along the Northerly line of this subdivision and crosses the Santa Rosa-Sebastopol Highway at its intersection with the Stony Point Road and runs along the Northerly side of the Santa Rosa-Sebastopol

Highway into Santa Rosa.

Traffic entering Santa Rosa from the Stony Point Road does not have to cross the railroad track. If the proposed crossing is constructed, residents of the tier of lots facing on the proposed road will have to cross the railroad track at the proposed crossing and if traveling towards Santa Rosa, would have to cross the track again at the crossing near the intersection of the Highway with the Stony Point Road. It was pointed out by the Engineering Department of the Commission that if a road were constructed parallel to the railroad along the Northerly line of the subdivision, that these residents would not have to cross the railroad at all. It happens that the two lots adjacent to the railroad right-of-way through which this road would be constructed are much wider than the remaining lots in the tract and could be cut down without rendering them too narrow or unsaleable.

Mr. G. J. Reading of Barnet & Reading, who are handling this tract objected to the construction of this road on the grounds that the supervisors would never take over a road parallel to the South side of the railroad on account of its proximity to the Santa-Rosa - Sebastopol Highway and that the road would, therefore, have to be maintained by private parties indefinitely. He testified that there was a demand for one-half acre tracts; that the proposed crossing and road leading thereto were necessary in order to lay out the tract with lots 250 feet deep as without this road, the lots would be 500 feet long and would be too narrow for their width of approximately 73 feet.

The County officials stated that this application was brought by the County for the benefit of these land owners in order

that the matter might be legally presented to the Commission and that the County itself was not interested in the proposed crossing or in the proposed road connecting therewith and had no intention at the present time of taking over this road as a dedicated county road but that the road might become a county road at some future time when a sufficient number of people had settled in this neighborhood to demand such action.

Mr. W. G. Rennison, Chief Engineer of the Railroad Company testified that there were thirteen (13) private crossings in the one and one-half miles West to the next public road crossing, ten (10) of these private crossings being on the Wright tract and three (3) on the Leddy tract. He further testified that there had been three accidents in the last three months on these private crossings and that one death had occurred from these accidents.

It further appears that the Railroad Company considers the crossing of its track with the Santa Rosa-Sebastopol Highway as a dangerous crossing as it has posted signs on each side of the crossing reading as follows: "Motormen - Dangerous crossing 400 feet ahead. Reduce speed to four miles per hour."

The Railroad Company operates eighteen (18) passenger and two (2) freight trains each way daily over this track. It appears from the record that the right-of-way agreement entered into by the Railroad Company and the Wright Estate on the 7th of June 1904 provides that the Wright Estate is entitled to a private crossing every 300 feet along the entire mile frontage of their lands along the railroad. It would thus appear that if this subdivision plan of one-half acre lots were continued Westerly through the Wright Estate, that a public crossing would ultimately be required every 500 feet. Mr. Wright testified, however, that he had thought of constructing an East and West road a short distance South of the railroad which

might do away with the necessity for a number of these private crossings.

In this proceeding, the Commission must weigh the hazard to the public who will use the proposed crossing and in connection therewith the main crossing of the highway, against the detriment to the private owners caused by the construction of a permanent private road parallel to and on the south side of the railroad westerly from the Stony Point Road to the road proposed to be opened in this proceeding. The record shows that private crossings along this railroad in this vicinity are hazardous and that the crossing with the main Highway is considered hazardous by the Railroad Company and for this reason the company has posted "slow" signs on the railroad right-of-way.

The record further shows that there are at the present time no residents in this tract who will be inconvenienced if this crossing is not constructed and that the County does not intend at this time to take over as a public county road the road proposed by the owners. Giving due consideration to all of the testimony, it appears that the application should be denied and it will be so ordered.

#### O R D E R

County of Sonoma having made application to this Commission for permission to construct crossing at grade across the right-of-way and track of the Petaluma and Santa Rosa Railroad Company near Wright Station, Sonoma County, a public hearing having been held, the matter having been duly submitted and now being ready for decision, for the

reasons stated in the foregoing Opinion

IT IS HEREBY ORDERED that the above application be  
and the same hereby is denied without prejudice.

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

Dated at San Francisco, California, this 25<sup>th</sup>  
day of June, 1926.

H. B. Brundage

C. L. Seavey

E. J. ...

Commissioners.