

Decision No. 17470

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the County of Sonoma for authoriza-)
tion permitting the construction of)
the grade crossing over the Santa)
Rosa and Sebastopol Railroad, in)
Section _____, Twp. 7 N., R. 8 W.,)
M.D.M.)

Application No. 12958.

G. W. Hoyle, District Attorney, for Applicant.
Donald Geary and E. H. Maggard, for Petaluma
and Santa Rosa Railroad Company.
W. F. Price, for Golden Gate Realty Company
of Fresno, owners of Luddy Tract.

BY THE COMMISSION:

O P I N I O N

In this application the County of Sonoma requests permission to construct Fresno Avenue, at grade, across the tracks of the Petaluma and Santa Rosa Railroad Company near McCauley Station, a point about two miles west of the city limits of Santa Rosa.

A public hearing was held at Santa Rosa on Tuesday, September 7th, 1926, before Examiner Austin.

In the vicinity of the proposed crossing, the Santa Rosa-Sebastopol Line of the Petaluma and Santa Rosa Railroad Company is on private right-of-way parallel and adjacent to the southerly side of the Santa Rosa-Sebastopol Highway. This condition exists for a distance of approximately 3,200 feet west and 5,300 feet east of the proposed crossing.

Fresno Avenue leads south of the proposed crossing for a distance of about one and three-fourths (1-3/4) miles, where it

intersects an east and west road known as Ludwig Avenue. Several other east and west roads, approximately one-quarter ($1/4$) to one-half ($1/2$) mile apart, lead into Fresno Avenue from the Wright and Ledy Tracts, which lie east and west of Fresno Avenue, respectively. The lands lying between any two of these east and west roads are divided into two tiers of lots, so that one tier of lots faces on each road. The most northerly tier of lots in these two subdivisions faces directly on the right-of-way of the railroad company and, in order to gain access to each of these lots from the Santa Rosa-Sebastopol Highway, it is now necessary to cross the tracks of the railroad company by means of private crossings. About fourteen (14) private crossings have already been established on this section of 8,500 feet of parallel and adjacent railroad and highway. Six (6) lots fronting on the railroad right-of-way still remain to be sold in the Ledy Tract west of Fresno Avenue. The record shows that reservation has been made setting aside thirty (30) feet of land for roadway purposes along the south side of railroad right-of-way in all of the lots except three (3) already sold.

The nearest public crossings to the proposed crossing are at the Story Point Road, approximately 5,320 feet to the east, and at Wright Avenue, approximately 2,670 feet to the west. The proposed crossing is in level, open country, with no obstructions to the view. A special protective device does not appear necessary for this crossing under existing conditions. The railroad company operates eighteen (18) passenger trains and one (1) freight train daily each way at speeds approximating twenty-seven (27) to thirty (30) and twelve (12) to fifteen (15) miles per hour, respectively.

The railroad company did not object to the opening of a public crossing at Fresno Avenue, providing the Golden Gate Realty Company would make arrangements to restrict the number of private

crossings in that part of the sub-division of the Luddy Tract lying west of Wright Avenue. It appears very desirable to the Commission that a roadway should be constructed along the south side of the railway between Wright and Merced Avenues and it may be that the Golden Gate Realty Company will enter into some such agreement with the Railroad Company. Certainly some attempt should be made on the part of the owners of the sub-divisions abutting on this section of this line of railroad to reduce the number of crossings required to a minimum, in order to cut down the attendant hazard. The establishing of private and public crossings, at the rate of ten to the mile, is bound to affect the speed at which trains can be operated and thereby directly affect the quality of the service rendered the public by the carrier. The Commission is of the opinion that the proper procedure in these subdivisions is for the owners thereof to construct a road parallel and adjacent to the southerly right-of-way line of the railroad, in order to allow the tiers of lots facing on the railroads similar means of communication with the north and south roads in this vicinity as are given by other east and west roads to tiers of lots facing on such roads. This should be done before any further lots are sold and further private crossings opened therefor. The opening of a public crossing at Fresno Avenue would appear a reasonable public necessity, providing some attempt is made to reduce the number of private crossings in its immediate vicinity. The construction of a dedicated public road parallel to the southerly side of the railroad right-of-way from Wright Avenue to Fresno Avenue would accomplish the desired result on the Luddy Tract for this vicinity. The Commission will view with favor the closing of the private crossings if such a road is installed. The construction of additional road east of Fresno Avenue to the Stony Point Road would do away with the necessity of any residents of these tracts, when travelling to and

from Santa Rosa from crossing the railroad at all. On account of the reduction in hazard which would be derived from the elimination of these private crossings, it appears reasonable to expect the railroad company to pay a portion of the cost of such a roadway. It also appears to the Commission that the owners of these sub-divisions have a moral responsibility in reducing the hazard of crossing the railroad to their clients and to prospective buyers in their tracts.

It has been frequently found preferable that roads parallel to railroads be located at the back of the first tier of lots abutting on the railroad right-of-way, in order that the land lying between such a roadway and the railroad may then be developed to its greatest extent as industrial property with spur track facilities and without the necessity of such tracks crossing such parallel highway. Also such parallel highways, when set back from the railroad about three hundred feet, do not so greatly interfere with the construction of grade separations of important highways crossing the railroad when it becomes necessary to establish such separations.

However, in this location, there appears to be little prospect of intensive industrial development and the subdivision of holdings has progressed to a point where the only practical solution is to provide the adjacent parallel road as described.

This application will be granted subject to certain conditions in the following form of order:

O R D E R

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Sonoma, State of California, to construct Fresno Avenue at grade

across the track of the Petaluma and Santa Rosa Railroad Company near McCauley Station and as shown by the map of Luddy Park Subdivision attached to the application.

The above crossing shall be identified as Crossing No. 67B-20.7.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) A thirty-foot dedicated public roadway shall be laid off parallel and adjacent to the south line of the railroad right-of-way from Wright Avenue to Fresno Avenue and a well gravelled roadway suitable for public travel shall be properly constructed thereon before Fresno Avenue may be constructed across the tracks of the railroad company and opened to travel. Two-thirds ($\frac{2}{3}$) of the cost of said road shall be paid for by applicant and one-third ($\frac{1}{3}$) shall be paid for by Petaluma and Santa Rosa Railroad Company. An agreement between the interested parties, agreeing to the construction of this road and to the above apportionment of cost thereof, shall be filed by the railroad company with the Commission before the authority granted in this order shall become effective.

(2) Petaluma and Santa Rosa Railroad Company shall keep its right-of-way fenced between Wright and Stony Point Avenues and shall equip all private crossings between said Avenues with gates.

(3) The entire expense of constructing the crossing at Fresno Avenue shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Petaluma and Santa Rosa Railroad 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 Petaluma and Santa Rosa Railroad Company.

(4) The crossing shall be constructed 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 two (2) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; 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.

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

(6) 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.

(7) 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 1st day of October, 1926.

H. B. ...
Chairman
Emm ...
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