

Decision No. 17457

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the County of Sonoma, for an order )  
establishing a public crossing over )  
the tracks of The Petaluma & Santa )  
Rosa Railroad Company. )

Application No. 13078.

ORIGINAL

G. W. Hoyle, District Attorney, for Applicant.

G. W. Libby, for property owners.

Donald Geary and E. H. Maggard, for Petaluma  
and Santa Rosa Railroad Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Sonoma for authority to construct a public road across the track of the Petaluma and Santa Rosa Railroad Company near Cadwell Station, about four miles south of Sebastopol.

A public hearing on this matter was held before Examiner Austin on Tuesday, September 7th, 1926, at Santa Rosa, at which time the matter was submitted.

The crossing applied for in this proceeding is on an east and west road, known as McFarlane's Road, which leaves the west side of the Sebastopol-Hessel County Road about three hundred and eighty feet north of Cadwell Station. The Sebastopol-Hessel County Road runs north and south and crosses the Petaluma and Santa Rosa Railroad Company's track, at an angle of approximately thirty degrees, about sixty feet south of Cadwell Station and approximately five hundred feet south of the proposed crossing. The nearest public crossing north of the proposed crossing

is 2900 feet distant. There have been two private crossings at the site of the proposed crossing the past, but these are now consolidated as one crossing. There is another private crossing located about six hundred and seventy feet north of the proposed crossing, which the owner stated could be closed if the crossing applied for is opened to public travel.

McFarlane Road at the present time extends about one-half mile west of the railroad. However, the record shows that it is proposed to continue the road on west through the Cunningham Estate to the Bloomfield Road. Until such extension is made the road will be maintained by private owners. Travel over the road is purely local and very light, the testimony showing about 356 autos and teams using the crossing in both directions in the 16 days from August 22nd to September 6th, 1926. There are no residents on the north side of McFarlane Road and but three families on the south side of the road west of the railroad. At the southwest corner of the crossing the view is badly obstructed by two cypress hedges along the side fence lines of the front yard of Mr. Geo. W. Morris. Mr. Morris testified that he would agree to the removal of these hedges in case the crossing were opened. The view at the northerly corners is partially obstructed by apple trees.

The land on both sides of the railroad to the north of McFarlane Road is in apple orchard, the trees of which obscure the view of the railroad and the highway from each other to a considerable extent. This orchard has been sub-divided into six lots and is known as "McFarlane's Sub-division of Lot No. 2 of Stony Point Ranch."

It would appear that the purpose back of the opening of this crossing on this short local road is the desire to render more easy the sale of certain parcels of land. The Commission is of the opinion that it is not in the public interest to open public crossings in close proximity to other public crossings for the mere purpose of developing private properties on privately maintained local roads.

The railroad company had no objection to the opening of this crossing as a public crossing, provided the view were opened up a distance of fifty feet back along the north side of the road from the right-of-way fences and that the hedges be removed from the southwest corner of the crossing.

The railroad company operates eleven single-car passenger trains and two freight trains daily in each direction over the proposed crossing at speeds of 27 to 30 and 12 to 15 miles per hour, respectively.

Although the railroad company does not object to the opening of this crossing as a public crossing under certain conditions, the record in this proceeding indicates to the Commission that although the local travel on the existing short road does not show a sufficient public necessity for the authorization of a public crossing at the location applied for, there does appear to be sufficient public necessity for the opening of the proposed crossing on a through road to the west to the Bloomfield Road, and the authority to construct this crossing will be granted to be effective, however, only upon the extension of this road to connect with the Bloomfield Road, as outlined, and after the whole road shall have been taken over to be maintained by the public authorities as a county road.

#### O R D E R

County of Sonoma having on August 3rd, 1926, made application to this Commission for permission to construct a public crossing at grade across the tracks of Petaluma and Santa Rosa Railroad Company at McFarlane Road in the vicinity of Cadwell Station, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore

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 a public road at grade across the tracks of the Petaluma and Santa Rosa Railroad Company at the location hereinafter particularly described and as shown by the map (McFarlane's Sub-division of Lot No. 2, Stony Point Ranch) attached to the application.

Beginning at a point in the northeasterly right-of-way line of the Petaluma and Santa Rosa Railroad where same intersects the southerly line of McFarlane's Road, as shown on map of "McFarlane's Sub-division of Lot No. 2, Stony Point Ranch", as recorded February 11th, 1926, in Book 48 of Maps, Page 29, Sonoma County records, thence North  $30^{\circ} 30'$  West 13.9 feet, more or less, to a point on said right-of-way line, thence West 5.78 feet, more or less, to a point on said right-of-way line, thence north  $30^{\circ} 30'$  west 32.5 feet, more or less, to a point where said right-of-way line intersects the northerly line of McFarlane's Road, thence west 58 feet, more or less, along said northerly line of McFarlane's Road to a point on the southwesterly right-of-way line of Petaluma and Santa Rosa Railroad Company, thence south  $30^{\circ} 30'$  east, 32.5 feet, more or less, to a point on said right-of-way line, thence west 5.8 feet, more or less, to a point on said right-of-way line, thence south  $30^{\circ} 30'$  east, 13.9 feet to a point where said right-of-way line intersects the southerly line of said McFarlane's Road, thence east 69.6 feet, more or less, along said southerly line of said road to the point of beginning.

The above crossing shall be identified as Crossing No. 67-12.6.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of 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.

(2) The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of sixty (60) degrees to the railroad and with grades of approach not greater than five (5) 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.

(3) The cypress hedges and other vegetation in the front yard of Mr. Geo. W. Morris shall be removed to such a distance as will allow of a vehicle seventy feet west of the center line of track being clearly seen by a motorman on a car or train when 200 feet southeast of the crossing. The apple trees in the northeast corner of the crossing shall be removed along a line made by joining a point ninety-three (93) feet northwest along the northeasterly railroad right-of-way line from its intersection with the north line of McFarlane Road with a point on the northerly line of McFarlane Road forty (40) feet east of its intersection with said northeasterly railroad right-of-way line. The apple trees in the northwest corner of the crossing shall be removed along a line made by joining a point one hundred and twenty (120) feet northwest along the southwesterly railroad right-of-way line from its intersection with the north line of McFarlane Road with a point on the northerly line of McFarlane Road forty-three (43) feet west of its intersection with said right-of-way line. All berry vines along railroad right-of-way fences to be removed.

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

(5) 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.

(6) 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 not be effective until McFarlane Road shall have been constructed in a substantial manner to the west to connect with the Bloomfield County Road and shall have been taken over by the County Board of Supervisors to be maintained by them as a County Road.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of October, 1926.

H. R. Brown  
O. Leary

Leon White  
Thos. J. Rott

Commissioners.