

Decision No. 13644.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
THE COUNTY OF NAPA for an order
authorizing the construction of a
public street or crossing over the
tracks of the San Francisco, Napa
and Calistoga Railway.

Application No. 13, 614.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of the County of Napa, State of California, filed the above entitled application with the Commission on the 17th day of March, 1927, asking for authority to construct a public crossing in Jefferson Street, also known as Calistoga Avenue at grade across the track of the San Francisco, Napa and Calistoga Railway near the northwesterly city limits of Napa, as hereinafter set forth.

The matter of constructing this crossing was before the Commission in Application No. 12338, an application filed by the Napa Union High School District, and Decision No. 17820 thereon shows that while the Commission was of the opinion from the record in that proceeding that the crossing should be opened for the use of the school it appeared from the evidence taken at the hearing held before Examiner Austin at Napa on September 22, 1926, that the crossing lay entirely within the county highway, Jefferson Street, and was therefore outside the jurisdiction of the Board of Trustees of the Napa Union High School District and under the jurisdiction of the Board of Supervisors of Napa County. Under

said Decision No. 17820, Application No. 12338 was dismissed without prejudice to the institution of a new proceeding by the Board of Supervisors. The pending proceeding is such application.

The application sets forth the following:

The High School has an average daily attendance of 460; night school is held five nights a week with an attendance of from 100 to 150 and public meetings are also held weekly at night with an attendance of about 1000 persons. School hours are from 8:30 A.M. to noon and from 1:00 P.M. to from 3:00 to 5:00 P.M. Trains are operated in this vicinity at about 8:20, 8:55 and 11:13 A.M. and at 12:16, 1:26, 3:12 and 4:00 P.M. Night trains are operated northbound at 7:03 and 9:19 P.M. and southbound at 8:06 P.M. There are nine trains each way daily, of which 7 are passenger trains and 2 are freight trains. There are also about six extra trains per week.

In Decision No. 17820, the Commission expressed the following opinion as to protection at this crossing:

"The view of the proposed crossing is unobstructed for traffic in both directions but traffic on Jefferson Avenue is parallel to the railroad and a driver must look back to see cars approaching the crossing from the same direction. Under ordinary conditions standard crossing sign protection would appear all that would be necessary for a crossing of this character, but due to the kind of traffic here and the fact that trains are operated over this track at approximately the time of opening and closing school, it would appear to require further protection during certain hours. The high school authorities stated that a man might be made available to protect the crossing during the hours school is taking up or letting out and such protection seems advisable."

There appears to be no reason why this opinion should be changed. Said San Francisco, Napa and Calistoga Railway has signified by letter that it has no objection to the construction of said crossing at grade and 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 with said track at the point mentioned in this application, and that this application

should be granted, subject to the conditions hereinafter specified.

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 Napa, State of California, to construct a public crossing from the paved portion of Jefferson Street to the grounds of the Napa Union High School District at grade across the tracks of the San Francisco Napa and Calistoga Railway at a point about 780 feet north of the center line of Lincoln Avenue as shown by the map of the High School Grounds attached to the application.

The above crossing shall be identified as Crossing No. 70-16.27.

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 those portions of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside the outside rails shall be borne by the San Francisco Napa and Calistoga Railway. 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 said San Francisco Napa and Calistoga Railway.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet nor more than thirty-five (35) 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. 3, 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) Said crossing shall be protected by a watchman during the hours of 8:00 A.M. to 8:45 A.M. and 11:45 A.M. to 1:15 P.M. at the expense of applicant or other proper public authorities.

(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 become effective on the date hereof.

Dated at San Francisco, California, this 30th day of March, 1927.

Commissioners.