

Decision No. 19652

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 VALLEJO AND NORTHERN RAILROAD COMPANY  
 for permission to construct its main  
 line tracks at grade across the tracks  
 of Southern Pacific Company in the  
 Town of Suisun, Solano County, State  
 of California. )  
 )  
 ) Application No.407  
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In the Matter of the Application of  
 NORTHERN ELECTRIC RAILWAY COMPANY for  
 permission to construct its track at  
 grade across the tracks of Cement,  
 Tolenas & Tidewater Railroad Company  
 near Cement in the County of Solano,  
 State of California. )  
 )  
 ) Application No.459  
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 )  
 )

ORIGINAL

C. W. Dooling, for Applicant.  
 H. W. Hobbs, for Southern Pacific Company,  
 N. E. Keller, for the Cement, Tolenas and Tidewater  
 Railroad Company.

BY THE COMMISSION -

OPINION

By order of the Commission, dated December 2, 1927, the above entitled proceedings were reopened for further hearing and determination and a public hearing thereon was held before Examiner Hanford at Fairfield at which time the matters were duly submitted and are now ready for decision.

Brief histories of the two proceedings are as follows:

Application No.407, relating to the crossing of Southern Pacific Company's tracks in the Town of Suisun by Vallejo and Northern Railroad Company, predecessor in interest of Sacramento Northern Railway, was filed on February 15, 1913. The Commission in its Decision No.607, dated April 25, 1913, ordered an undergrade crossing to be constructed, one half the cost of construction to be paid by applicant and one half by Southern Pacific Company and the cost of such abutting property damage as might be assessed, to be paid by the Cities of Suisun and Fairfield on the property within their respective limits.

The grade separation was to be completed within one year. Pending completion of the grade separation a temporary grade crossing was permitted. Numerous extensions of time were granted by the Commission in which to complete the grade separation and maintain the temporary grade crossing, the last extension expiring on December 31, 1925. On March 24, 1927, the Commission addressed a letter to Mr. J. B. Rowray, General Manager of the Sacramento Northern Railway, requesting to be advised as to the company's plans with respect to the crossing. On March 26, 1927, Mr. Rowray advised by letter that he was taking the matter up with the executives of the company and would advise the commission on receipt of information from them. On October 11, 1927, Mr. Rowray submitted plans (Exhibit No.1) for installation of derails on Sacramento Northern track, the derails to be operated by the crossing flagman, but made no further report as to the position of the company. The matter was accordingly reopened for further determination as set forth above.

Application No.459, covering the crossing of the Cement, Tolenas and Tidewater Railroad Company by the Northern Electric Railway Company, predecessor of Sacramento Northern Railway, was filed on March 20, 1913. In Decision No.614, dated April 28, 1913, the Commission directed that a grade separation be constructed within one year. A temporary grade crossing was authorized, pending the completion of the undergrade crossing. On October 31, 1913, in Decision No.1061, the Cement, Tolenas and Tidewater Railroad Company was relieved from stopping its trains before passing over the crossing and derails were ordered installed by Northern Electric Railway Company. Several extensions of time, in which to construct the subway, were granted by the Commission. On June 29, 1917, the time was extended until further order of the Commission.

The record of the hearing of January 20, 1928, shows that passenger train service of Sacramento Northern Railway has recently been discontinued over these two grade crossings (Decision No.12053,

dated March 14, 1927, on Application No.13486). Since the hearing, Cement, Tolenas and Tidewater Railroad Company has been authorized to discontinue passenger train service on its line, Decision No.19494, dated March 19, 1928, on Application No.14466.

The evidence shows that the train movements of the electric road over the tracks of Southern Pacific Company at Suisun consist almost entirely of movements by light motor; that there are practically no freight movements over the electric road in and out of Suisun; and that there is no immediate prospect of such movements. It further appears that the light motor movements are due solely to the fact that the crew lives in Suisun and that the existing track facilities for tying up the motor over night are located on the Suisun side of the crossing. Some of the light motor movements over the crossing are occasioned by the crew going home to lunch in Suisun. The only business house served by the electric road in Suisun is the Pierce Warehouse and Mr. J. B. Rowray, General Manager of the Sacramento Northern Railway, testified that this warehouse would probably not be used for the storage of canned goods in the future by the Winters Canning Company for the reason that this company has just completed construction of a new warehouse in which to store their canned goods. The Sacramento Northern track on the Suisun side of the crossing is only about 3000 feet long. The average monthly maintenance on this crossing is \$25.00, which is paid by Sacramento Northern Railway, and the cost of the human flagman to this company is \$34.90 a month, a total monthly cost to this company of \$59.90.

From the record in this proceeding, it is evident that public convenience and necessity do not, at the present time, require the maintenance of the temporary grade crossing. However, Sacramento Northern Railway has before the Interstate Commerce Commission a proceeding (F.D. 8633) in which it is proposed to connect this isolated Suisun-Vacaville Branch Line with the San Francisco-Sacramento Railroad. This proposed connecting line crosses Southern Pacific Company's main line at Cannon about four

and one half miles easterly of the crossing under consideration in this proceeding. It may be that if this connecting line is constructed, that passenger service will be resumed on the Suisun-Vacaville Branch of Sacramento Northern Railway and that the branch may become of sufficient importance to require a grade separation, as ordered in Decision No.607, as Southern Pacific tracks are heavily traveled, train and yard movement over this crossing approximating a total of from 60 to 75 per day.

Although the executives of the interested railroads favor the retention of the crossing, it appears to the Commission as proper to continue only that portion of the order in Decision No.607 requiring the construction of a grade separation at this crossing but postponing the date of construction to such time as the traffic justifies it, and to revoke that portion of said decision authorizing the construction and maintenance of the temporary crossing at grade.

The record, with respect to Application No.459, shows that train movements on both the Sacramento Northern Railway and Cement, Tolenas and Tidewater Railroad Company are few in number and, it further appears, have recently been curtailed to purely freight movements. The grade crossing is protected by derails. It is possible that practically all movements over the Cement road may cease in the not distant future, as the plant is to be maintained only as a standby plant. Under these conditions, it appears that a grade separation is not necessary at this location and that the existing protection, if properly maintained and operated, is adequate. It therefore appears that Decision No.614, dated April 28, 1913, on Application No.459, should be revoked and a new order issued on the proceeding, authorizing a permanent crossing at grade.

O R D E R

The above entitled proceedings having been reopened by the Commission on December 2, 1927, for further hearing and determination, a public hearing having been held, the matters having been duly

submitted and now ready for decision.

IT IS HEREBY ORDERED that the authority granted to Vallejo and Northern Railroad Company under Decision No.607, dated April 25, 1913, (Application No.407), to install crossing frogs and to operate its trains and cars at grade across the tracks of Southern Pacific Company at Union Avenue, Suisun, Solano County, be and it is hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that Sacramento Northern Railway shall, at its own expense, remove or have removed said temporary crossing from Southern Pacific Company's tracks and restore said tracks with continuous running rail corresponding to rail in tracks adjacent to said crossing.

IT IS HEREBY FURTHER ORDERED that Sacramento Northern Railway be and it is hereby relieved from participation in the cost of maintaining human flagman or flagmen or other protection at said crossing or at the crossing of Union Avenue with Southern Pacific Company's tracks.

IT IS HEREBY FURTHER ORDERED that in all other respects this Commission's Decision No.607, heretofore entered in Application No.407 shall remain in full force and effect, except that the construction of grade separation shall not be commenced until further order of this Commission.

IT IS HEREBY FURTHER ORDERED that Decision No.614, dated April 28, 1913, and Decision No.1061, dated October 31, 1913, on Application No.459, be and they are hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that Sacramento Northern Railway be and it is hereby authorized to maintain and operate its track at grade across the tracks of Cement, Tolenas and Tidewater Railroad Company, at the location temporarily authorized in said Decisions No.614 and No.1061, subject to the following conditions:

1- All trains, motors and cars of Sacramento Northern Railway, before passing over said crossing, shall come to a full and complete stop within fifty (50) feet thereof and shall not pass over the crossing until it has been ascertained that it is safe so to do.

2- Said crossing shall be protected by derails, installed in tracks of Sacramento Northern Railway on both sides of the crossing, said derails to be operated by lever and pipe connection from a point near the crossing, which shall also operate signals on both sides of the crossing on the tracks of the Cement, Tolenas and Tidewater Railroad Company. Said derails and signals shall at all times be kept in good operating condition.

3- 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.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of April, 1928.

Leon Whitell

Al Seavey

Thos. J. Roeder

M. J. Quinn  
COMMISSIONERS.