

Decision No. 9288K.

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 San Francisco, Napa and Calistoga  
 Railway for permission to construct  
 main line track across Third Street,  
 Napa, and to reroute its trains  
 through the City of Napa.

**ORIGINAL**  
 Application No. 16527.

BY THE COMMISSION:

ORDER

This refers to an application filed by San Francisco, Napa and Calistoga Railway for permission to construct certain connections to Southern Pacific Company's track in and in the vicinity of the City of Napa and operate its trains over Southern Pacific Company's tracks between Third Street and Myrtle Avenue, a distance of approximately 7600 feet, and thereafter abandon that portion of the company's existing line through the business section running along Third Street and Jefferson Street in the City of Napa, a distance of about 8900 feet. The proposed joint operation will involve the construction of a track across Third Street, in the City of Napa.

The city has granted the company authority to construct its track across this street and has requested that the Commission grant the application by ex parte order at an early date. The file shows that one property owner registered a protest against the granting of this application, on the ground that it would take a portion of his property and interfere with his business. Subsequent to that time, an alternative line has been located and this complainant has advised the Commission that he now wishes to withdraw

his protest, providing the line is constructed at the new location which, in effect, is an extension of a track through the company's barn and across Third Street.

The proposed rerouting of trains through Napa will eliminate the operation of applicant's trains across the Third Street bridge over the Napa River, which is to be renewed by the city immediately.

It appears to the Commission that this is not a matter in which a public hearing is necessary and that the application should be granted, therefore,

IT IS HEREBY ORDERED that San Francisco, Napa and Calistoga Railway be and it is hereby authorized to:

I. Construct its track at grade across Third Street, in the City of Napa, as shown on Exhibit "A," attached to the application, under the following conditions: (Crossing No. AB-45.5)

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding three (3) per cent; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

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

II. Operate its trains over the tracks of Southern Pacific Company between Third Street and Myrtle Avenue, a distance of approximately 7600 feet, all as shown on Exhibit "C" attached to the application, in accordance with the terms of an agreement to be entered into between applicant and Southern Pacific Company, a certified copy of which shall be filed with the Commission within sixty (60) days of the date of this order, subject to the Commission's approval.

III. Construct its connecting track between its existing line and Southern Pacific Company's tracks across Santa Clara Avenue and a portion of Myrtle Avenue at North Napa, as shown on Exhibit "B" attached to the application, under the following conditions:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) This order is made upon the express condition that Santa Clara Avenue and Myrtle Avenue are not now actually constructed and open to travel at the respective points of crossing, and this order shall not be deemed an authorization for the construction of an opening of said streets to public use across said railroad track.

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

If the authority herein granted shall not have been exercised 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.

The Commission reserves the right to make such further orders in this proceeding 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 January, 1930.

Al Seaver

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John S. Lott

Al Seaver

Commissioners.