

Decision No. 23371

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the Matter of the Application of
 the COUNTY OF CONTRA COSTA, State of
 California, for a crossing at grade
 of the tracks of the Southern Pacific
 Company's San Ramon Valley Branch,
 south of Hookston in the County of
 Contra Costa, State of California.

Application No. 16851.

James F. Hoey, District Attorney, for
Applicant.

Roy G. Hillebrand, for Southern Pacific
Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Board of Supervisors of Contra Costa County requests permission to construct a public road at grade across the tracks of San Ramon Branch of Southern Pacific Company approximately two-tenths of a mile south of the station of Hookston, County of Contra Costa.

A public hearing thereon was conducted by Examiner Williams on January 27, 1931, at Martinez.

San Ramon Branch of Southern Pacific Company runs in a general north and south direction in the vicinity of Hookston. The main traveled county highway is approximately parallel to and one-half mile west of the railroad. A county road running east from the county highway to Ygnacio Valley crosses the railroad at Hookston; all of which is shown by the map attached to the application.

It is planned by the applicant to construct a new road, upon which the proposed grade crossing is located, running east from the main county highway approximately two-tenths of a mile south of the Hookston road and connecting with the Ygnacio Valley road east of the railroad.

Testimony clearly indicates that the proposed road and grade crossing are necessary for the convenience and necessity of the traveling public, particularly to fruit growers located west of the railroad who haul fruit to the packing houses at Bancroft and Meinert, located on the tracks of Sacramento Northern Railway to the east of the proposed crossing. By such use the present route, involving three grade crossings, may be avoided. The railroad company offered no objection to the installation of a grade crossing at this location.

It was agreed among the parties that the crossing should be constructed substantially in accordance with Standard No. 3-B, as specified in the Commission's General Order No. 72.

It was contended by the railroad that the crossing should be protected by an automatic flagman, but applicant was of the opinion that this would not be necessary. The railroad now operates one mixed train each way per day for six days a week. No trains are being operated on Sundays. Witness for the railroad stated it is expected that this branch would, in the future, be heavily used as a through freight line. Before this can be done the line must be entirely reconstructed. The testimony indicated that no definite time for beginning reconstruction of this line has been fixed nor how it will affect the crossing herein considered.

The vehicular traffic over the crossing will be largely

local and comparatively light and the view of approaching trains will be reasonably clear.

After reviewing the evidence, it appears that this application should be granted and that at the present time no special protection is necessary, although if the rail traffic increases as expected unquestionably additional protection probably may become necessary.

O R D E R

A public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Contra Costa, State of California, is hereby authorized to construct a public road at grade across the track of the San Ramon Branch of Southern Pacific Company at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 30-45.3.
- (2) 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 outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific 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 Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle of approximately eighty-one (81) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance to type shown as Standard No. 3-B in our General Order No. 72; shall be protected by a Standard No. 1 crossing

sign as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall then lapse and become void if not exercised within one (1) year from the date hereof 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 9th day of February, 1931.

W. C. Sawyer
Leon Whiteley
W. J. Carr
W. B. Harris
Fred G. Stewart