

Decision No. 10859

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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ORIGINAL

In the matter of the application of the People of the State of California on relation of the Department of Public Works for an order authorizing the construction of an overhead state highway crossing over the tracks of the San-Francisco-Sacramento Railroad Company, a corporation, near Denverton, Solano County, California.

Application No. 7812

George R. Winslow, for Applicant.

Jesse H. Steinhart, for San Francisco-Sacramento Railroad Company.

MARTIN, COMMISSIONER:

O P I N I O N

In this application the People of the State of California through the Department of Public Works, hereinafter called Highway Commission, ask for an order authorizing the construction of a State Highway over the track of San Francisco-Sacramento Railroad Company, hereinafter referred to as Railroad, and apportioning the cost thereof. The proposed crossing is located as shown on applicant's Exhibit No. 1, about 500 feet north of the east and west center line of Section 9, T. 4 N., R. 1 E., M.D.B. & M., about 7/8 of a mile south of the nearest public crossing to the north, hereinafter called Solano City crossing and about 1-3/4 miles north of the nearest public crossing to the south, hereinafter called Garfield crossing.

A public hearing was held in San Francisco May 31, 1922. At this hearing it was arranged that the Engineering Department

of the Commission would make an inspection in connection with this application; that a report would be made to the Commission and furnished to the parties and they would have an opportunity to call to the Commission's attention anything in the report to which they did not agree. This report has been made, furnished to the parties and their objections are of record.

The proposed crossing is located on the State Highway now being constructed, (including concrete paving) from Suisun to Rio Vista, which makes use of existing county roads for nearly all of the way. Where the crossing is proposed, however, the State Highway is new, there never having been any road at this point. This new stretch of highway extends in a southeasterly direction from a point approximately at the center of Section 5 to the southeast corner of Section 15, both sections in the township and range above mentioned. This diagonal location, approximately southeast in direction, is 1-1/2 miles shorter, as compared with existing county road routes between Denverton and Rio Vista, Denverton being located between Suisun and the commencement of the new diagonal route.

One of the existing county roads leads from the above mentioned point near the center of Section 5, directly east crossing the Railroad at the Solano City crossing near the center of Section 4; continues along the center line of Section 3; turns south along the west line of Section 2; runs east along the south line of Sections 2 and 1; turns south along the east line of Section 12; thence runs east along the south lines of Sections 7 and 8, R. 2 E.; thence south along the west line of Section 16; thence east to Rio Vista. This road is a fair gravel road, probably meeting the needs of the existing traffic, as will be brought out later.

The other County road starting from the same point as the new highway and the above described County road mentioned runs south

along the north and south center line of Sections 5, 8 and 17, and thence turns east to Rio Vista meeting the railway at the Garfield crossing in approximately 1/4 mile, the proposed new highway at the southeast corner of Section 15, and the other County road at the southeast corner of Section 17, R. 2 E. This second County road on the north and south portion is graveled, but on the east and west part is simply a dirt road.

A traffic check at the Solano City crossing taken on what is probably an average weekday shows between 8 A.M. and 8 P.M. only thirty-four vehicle movements, about one fourth of which crossed back and forth, indicating local travel. At the other County road crossing, the Garfield crossing, there is even less travel.

Witness for the Highway Commission stated that the cost of grade separation as proposed for a single railroad track, as at present, would be approximately \$25,000.00, this sum covering the structure and the earth filled approaches.

The Railroad did not object to the crossing, but did state that an expenditure toward the separation of grades would be a burdensome matter.

Since there appears no objection to the installation of a structure separating the grades of the highway and the railroad at the point proposed in the application there is apparently but one issue necessary of determination, and this is the division of cost.

Had the Highway Commission chosen to improve one of the existing County roads and separated the railroad and highway grades at either existing point of crossing it is probable that the Commission would have assessed one-half of the cost of grade separation to the railroad and in either location the cost of grade separation would have been considerably more than at the proposed point of crossing. This seems evident as the country is practically flat at the existing crossings, whereas there is already

a difference of grade of some six feet at the proposed crossing. The record indicates that neither of the existing crossings should be abolished, as they serve local needs. The record also indicates that the last legislature made the road from Rio Vista to Lodi a state highway, but did not provide construction funds; that when such funds are provided and the road is paved, through traffic from Suisun to Rio Vista and Lodi will undoubtedly be increased and it is this through traffic that has apparently justified the Highway Commission in proposing to make grade separation at this time.

Inevitably the Railroad must face grade separation at some time on this new state highway because of this through traffic which will develop in the future. The Highway Commission has saved the cost of 1-1/2 miles of paving through the selection of the diagonal route over either of the existing routes and it has also located the crossing where a grade separation would probably be least expensive.

Under the circumstances it seems equitable that the railroad should pay some part of the cost of grade separation. It does not seem, in view of the relatively light traffic, that it should bear one-half of this cost, as would seem fair if this new crossing and route were simply a diversion of heavy traffic from an existing crossing, nor does it seem fair that it should pay any of the cost of paving on the long earth approach fills. On the other hand, this situation has some of the elements of diversion and as such it does not appear fair that the Highway Commission should bear all of the cost. It appears that an equitable division of cost would be one-fourth to the Railroad and three-fourths to the applicant, the cost as here used meaning the cost of the structure and the grading for the approach fills.

The Engineering Department draws attention to the fact that on Exhibit A attached to the application the clearance be-

tween the top of the rail and the underpart of the bridge under the tracks is shown as twenty-two feet and draws attention to the fact that the Commission's General Order 64 provides a clearance between the top of the rail and the trolley of twenty-two feet and that this clearance should be increased probably one foot, as the railroad is operated by an overhead trolley with catenary suspension.

The following form of order is recommended.

O R D E R

The People of the State of California on relation of the Department of Public Works having applied to the Commission for an order authorizing the construction of an overhead crossing over the tracks of San Francisco-Sacramento Railroad Company near Denverton, Solano County, substantially in accordance with the plan marked "Exhibit A" accompanying said application and dividing the cost thereof, a public hearing having been held, the matter having been submitted and being ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity justify the construction of said overhead crossing, therefore

IT IS HEREBY ORDERED, that the People of the State of California on relation of the Department of Public Works be and they are hereby authorized to construct an overhead crossing over the tracks of San Francisco-Sacramento Railroad Company near Denverton, Solano County, substantially in accordance with the plan, marked "Exhibit A" accompanying said application, subject to the following conditions, and not otherwise:

1. All clearances shall comply with the Commission's General Orders Nos. 26 and 64.
2. Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-

stallation of said crossing.

3. The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that the expense of constructing the earth fills on the approaches for the structure and the said structure for said crossing shall be divided as follows; three-fourths of said cost shall be borne by applicant and one-fourth of said cost shall be borne by San Francisco-Sacramento Railroad Company, that the expense of moving its poles and wires shall be borne by San Francisco-Sacramento Railroad Company, and that all other costs, including paving, shall be borne by applicant.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 11<sup>th</sup> day of August, 1922.

*H. C. ...*  
*George ...*  
*Charles ...*

Commissioners.