

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of BOARD OF SUPERVISORS, Sonoma County, California, for an order authorizing the construction of a private road crossing across the track of Northwestern Pacific Railroad Company in Ocean and Redwood Road Districts, Sonoma County, California.
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Application No. 415.

APPEARANCES

C. F. Lee, District Attorney, for Board of Supervisors;
Jos. Haber, Jr., for Northwestern Pacific Railroad Company.

GORDON, Commissioner.

OPINION

On February 11, 1913, Board of Supervisors, Sonoma County, California, filed with the Commission notice of petition for the construction of a "private road" in Ocean and Redwood Road Districts, Sonoma County, California, across the track of the Northwestern Pacific Railroad Company, said petition having been filed with said Board by William P. Jost. The petition was filed with you in pursuance of an Act approved January 2, 1912, amending Section 2694 of the Political Code of California, and a certified copy of the petition and of the order appointing viewers was attached. Although the Act provides that the report of viewers appointed by the Board shall be filed at the time the Commission's order is submitted to said Board, the report had already been made and filed and a copy of same was submitted with the petition to the Commission.

After due notice a hearing was held in Santa Rosa, Sonoma County, California, on March 19, 1913, at which all interested parties were duly represented. The evidence submitted showed that the road as located by the viewers crossed the track of the Northwestern Pacific Railroad at grade. The field notes for the road prepared by the county surveyor and

attached to the report of viewers showed that the road proposed to cross the railroad at grade at a point "thirty-four (34) feet southerly of the southerly side of the trestle crossing Russian River." The report of viewers, however, contained the following recommendation: "We recommend that the road be constructed under the railroad track." There seems to be some confusion, therefore, as to the exact recommendations of the Board of Viewers, as well as to the exact location of the crossing which it is desired that the Commission approve.

The witnesses both for the county and railroad company were unanimous in agreeing that it is entirely reasonable and practicable to avoid a grade crossing by passing the road under the railroad track through the west end of the Russian River trestle, a distance of about 100 feet northerly from the point selected for the grade crossing, without very much additional expense. The amount of such extra expense, however, could not be stated, as no survey had been made. Also it was testified that the construction of the highway under the trestle did not introduce grades that would be objectionable to traffic. At the point designated as the one most practicable for the undergrade crossing the standard overhead clearance of fourteen (14) feet above the roadway can be easily secured.

The exact location of the proposed crossing is not clear from the petition and maps filed. The petition describing the general route of the proposed road states as follows: "Beginning at a point on the westerly line of the S.W. 1/4 of the S.E. 1/4, Section 5, Twp. 7 N., R. 10 W., M.D.M., +--- thence across Northwestern Pacific Railroad Company right-of-way and connect with River Boulevard." The map filed by the railroad company shows the crossing to be in the S.E. 1/4 of S.E. 1/4 of Section 6. I have assumed that the map filed by the railroad company is correct as the field notes furnished by the county surveyor show that shortly after crossing the railroad, the highway passes "352.3 feet north of the corner of Section 5, 6, 7 and 8, Twp. 7 N., R. 10 W." This matter is, however, not very material, as I will recommend that the crossing be also designated with respect to the Russian River bridge of the railroad company.

The Act approved January 2, 1912, amending Section 2694 of the Political Code of California, provides, that after a hearing the Commission shall, in an order designate whether

"said proposed road shall, if constructed, be constructed across said track at grade or otherwise and shall determine and prescribe the manner including the particular point of crossing, and the terms of installation, operation and maintenance, use and protection of said crossing."

The evidence together with the exhibits filed shows that it is entirely reasonable and practicable to avoid a grade crossing of said road with the track of the Northwestern Pacific Railroad Company by changing the proposed point of crossing, which is for a crossing at grade, a distance of about one hundred (100) feet in a northerly direction where the crossing can be made under the south end of the trestle of said railroad company across Russian River. It is the policy of the Commission in such matters, in the interest of the safety of the public, to require that grade crossings of public roads with railroads be avoided wherever it is practicable to do so at a reasonable expense, and in view of this policy I recommend that an undergrade crossing be ordered at the point designated and submit the following form of order:

O R D E R

BOARD OF SUPERVISORS, Sonoma County, California, having on February 11, 1913, filed with the Commission a petition for a private road crossing with the track of Northwestern Pacific Railroad Company in Ocean and Redwood Road Districts of said county, at a point near the south end of the trestle of said railroad company across Russian River in Section 6, Twp. 7 N., R. 10 W., M.D.M., in said county, and a hearing having been held upon said petition in the City of Santa Rosa, Sonoma County, California, on March 19, 1913, at which all interested parties

were duly represented and testimony having been taken as to the practicability and reasonableness of avoiding a grade crossing, and it appearing that it is entirely reasonable and practicable to avoid a grade crossing of said private road with said railroad,

IT IS HEREBY ORDERED that permission be hereby granted Board of Supervisors, Sonoma County, California, to construct a private road across the track of Northwestern Pacific Railroad Company in Ocean and Redwood Road Districts of said county near the south end of the trestle of said company across Russian River, subject to the following conditions, viz.:

(1) The crossing shall be constructed under the track of said company at a point about sixty-five (65) feet north of the south end of said trestle.

(2) The entire expense of constructing the crossing together with the cost of its maintenance hereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by the Board of Supervisors of Sonoma County, California, or under its supervision by the party who is authorized to construct said road, the county being responsible for such maintenance.

(3) The crossing shall be constructed of a width not less than fourteen (14) feet under the trestle with grades of approach not exceeding eight (8) percent.

(4) The crossing shall be constructed under the trestle with an overhead clearance under the stringers thereof of not less than fourteen (14) feet.

(5) The Commission reserves the right to hereafter 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.

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 28th day of
March, 1913.

John M. Eschleman

H. J. Loveland

Arthur D. ...

Edwin O. Edgerton

Commissioners.