

ORIGINAL

Decision No. 607

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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 track at grade across the tracks)
of Southern Pacific Company in the)
Town of Suisun, Solano County, Calif.)
.....)

Application No. 407.

APPEARANCES

- T. T. C. Gregory, representing Applicant;
- Geo. D. Squires, representing Southern Pacific Company;
- C. J. Goodell, representing City of Suisun;
- Paul C. Earlan, representing City of Fairfield.

LOVELAND, Commissioner.

OPINION

On February 15, 1913, the VALLEJO AND NORTHERN RAILROAD COMPANY, a corporation, filed with the Commission an application for permission to construct its main line track at grade across the tracks of Southern Pacific Company on Union Avenue in the City of Suisun, Solano County, California. A public hearing was held by the Commission on March 18, 1913, at which the parties at interest, viz., the Vallejo and Northern Railroad Company and Southern Pacific Company were represented by counsel and testimony was taken concerning the matters contained in the application.

Southern Pacific Company took the position that a grade crossing at a point designated was very dangerous and introduced unusual hazard in the operation of its trains and cars. It contended that it was reasonable and practicable to avoid a grade crossing at the point selected. It was stated that if the crossing were permitted to be constructed at grade and a standard interlocking device were installed for its protection, such device would cost approximately \$ 20,000. The cost of operat-

ing and maintaining the device was estimated to be \$ 4,750. per year, which would represent a capital investment of \$ 95,000. In other words, a grade crossing interlocked, according to the testimony, would represent a capital investment of approximately \$ 115,000.

The testimony indicated that if the track of the Vallejo and Northern Railroad Company were to be constructed either overhead or under the tracks of Southern Pacific Company on Union Avenue that the safety and convenience of the public demanded that the avenue itself should also be carried with the railroad and the present grade crossing of the avenue with the Southern Pacific Company's tracks should be abolished.

The Southern Pacific Company at the hearing presented to the Commission the proposition that if the Commission would order a separation of grades at the point of crossing of both Union Avenue and the Vallejo and Northern Railroad, it would assume one-half (1/2) of the cost of the construction thereof, if Vallejo and Northern Railroad Company would also assume one-half (1/2) of the cost of construction, and provided, also, that the cities of Suisun and Fairfield would pay such damages to owners of abutting property as might reasonably be held to accrue on account of the construction of an overhead or undergrade structure.

Applicant agreed to the proposition submitted by Southern Pacific Company and the hearing adjourned with the understanding that another hearing would be held on the application before the Commission in the City of Suisun, at which the Cities of Suisun and Fairfield would be cited to show cause why the present grade crossing of Union Avenue with Southern Pacific Company's tracks in Suisun should not be abolished. The City of Fairfield was considered as being a party interested in this matter, due to the fact that the south boundary line of the City of Fairfield crosses Union Avenue a short distance north of the crossing and any undergrade or overhead structure would encroach within the limits of this city.

After due notice to the Boards of Trustees of the cities of Suisun and Fairfield, and notices to the City Attorneys of both cities, a hearing was held in the City of Suisun on April 14, 1913, at which representatives of all parties interested appeared. The cities of Suisun and Fairfield were represented respectively by their City Attorneys. Testimony was taken concerning the necessity for and advantages to be gained by abolishing the present grade crossing of Union Avenue with the tracks of Southern Pacific Company in Suisun. All parties were generally of the opinion that the undergrade mode of crossing or a subway for both Union Avenue and Vallejo and Northern Railroad was more to be desired than an overhead crossing. The City Attorneys appearing for the Cities of Suisun and Fairfield stated to the Commission that they were not present at the hearing as representing the Boards of Trustees of said cities in their official capacities since no meetings of said Boards of Trustees had been held since notice of the hearing was received at which official action could have been taken upon the notice issued by the Commission. It was the opinion, however, of the city attorneys and also of several of the Trustees of the City of Suisun including the President of its Board that no reasonable nor substantial objection could be offered by either city to the construction of an undergrade crossing under the tracks of Southern Pacific Company on Union Avenue which would take not only the track of the Vallejo and Northern Railroad Company but the street traffic of Union Avenue as well and that the basis proposed for dividing the cost of the subway between the railroads and the cities was fair and reasonable. In fact the testimony of the city attorneys, trustees and other parties present at the hearing was in effect that the elimination of the present grade crossing of Union Avenue with the tracks of Southern Pacific Company was desirable from every standpoint and that the cities of Suisun and Fairfield could reasonably be required and would willingly assume the cost of such damages as must accrue to abutting property by reason of the construction of a subway or undergrade crossing. The present grade crossing was conceded by all witnesses and parties present to be a very dangerous one, and the

safety of the public demanded that it be removed if possible.

If applicant is permitted to construct a grade crossing at the point designated, public safety will demand that it be interlocked. The testimony shows that this will represent a capital investment of not less than \$ 115,000. If an interlocking device be constructed it will prevent the placing of the passenger depot, (which has been required to be constructed by Southern Pacific Company, under a previous order of the Commission) at or near the junction of Union Avenue with Southern Pacific Company's tracks, owing to the fact that it will not be practicable to permit trains to stand within the derail limits of the interlocking, which limits will be approximately 500 feet on each side of the crossing. And, therefore, the depot could not be reasonably placed nearer than 750 feet from the crossing with Union Avenue. It is to the interest of both the cities of Suisun and Fairfield, and particularly Fairfield that this depot be placed as near Union Avenue as practicable. This question of a proper location for the passenger depot simply emphasizes the necessity for avoiding a grade crossing of Vallejo and Northern Railroad Company's track with the tracks of Southern Pacific Company, in order that the people of the two cities may be most conveniently served.

Union Avenue is the main highway between Suisun and Fairfield, and several hundred vehicles per day now cross the four (4) tracks of the Southern Pacific Company thereon. The dangers of a grade crossing are many and a number of serious accidents have already occurred at this point. In my opinion it is entirely practicable to avoid a grade crossing at the point designated and at a reasonable expense, if its cost be divided between the cities and the railroad companies upon the basis before suggested. The liability of accidents and consequent danger to the lives and property of the public and employees of the railroad companies will be obviated by avoiding a grade crossing of the railroads and the hazard to the public of the highway grade crossing, will be hereafter eliminated.

I, therefore, respectfully recommend that the Vallejo and Northern Railroad Company be required to construct its main line track

under the tracks of Southern Pacific Company on Union Avenue, City of Suisun, and that a subway at the same time be built of dimensions sufficient to carry the highway traffic using Union Avenue, and that the cost of such subway be divided between applicant, Southern Pacific Company, and the Cities of Suisun and Fairfield, upon the basis contained in the following form of order, which I submit for your approval:

O R D E R

VALLEJO AND NORTHERN RAILROAD COMPANY, a corporation, having on February 15, 1913, filed with the Commission an application for permission to construct its track at grade across the tracks of Southern Pacific Company on Union Avenue in the City of Suisun, Solano County, California, and it appearing to the Commission that public hearings have been held at which all interested parties were represented, including representatives from the Boards of Trustees of both the Cities of Suisun and Fairfield; and it further appearing that it is reasonable and practicable to avoid a grade crossing of the track of applicant with the tracks of Southern Pacific Company, provided, that the present grade crossing of Union Avenue with Southern Pacific Company tracks is also at the same time abolished by the construction of an undergrade crossing or subway, and it further appearing that Southern Pacific Company has agreed to pay one-half (1/2) of the cost of such subway if applicant will pay one-half (1/2) of such cost and the Cities of Suisun and Fairfield will pay the cost of such damages as might reasonably be claimed by owners of abutting property by reason of the construction of such undergrade crossing, and it further appearing that applicant is willing to stand one-half (1/2) of the cost of such undergrade crossing and that the cities of Suisun and Fairfield have offered no reasonable nor substantial objections to the construction of such crossing and have unofficially by their attorneys or trustees indicated a willingness to share in such costs as above suggested; and it further appearing that public convenience and safety demand that an undergrade crossing of

applicant's track with the tracks of Southern Pacific Company be made and that the present grade crossing of Union Avenue in the City of Suisun with said tracks be abolished.

IT IS HEREBY ORDERED that Vallejo and Northern Railroad Company be and is hereby directed to construct its track on Union Avenue in the City of Suisun, Solano County, California, under the tracks of Southern Pacific Company, and Southern Pacific Company and the Cities of Suisun and Fairfield are hereby ordered to share in the cost of such undergrade crossing which shall at the same time include the cost of constructing an undergrade crossing for the public highway known as Union Avenue in said city of Suisun under said tracks of Southern Pacific, upon the following terms and conditions, and in accordance with the specifications hereinafter set out:

(1) Applicant shall bear one-half (1/2) of the entire cost of the undergrade structure, necessary for its railroad and Union Avenue.

(2) Southern Pacific Company shall also bear one-half (1/2) of the entire cost of such undergrade structure.

(3) The cities of Suisun and Fairfield shall pay such damages as may be held by competent authority to accrue against property abutting on said subway by reason of the construction thereof, each city shall pay the damages assessed against the property within its own limits, and

IT IS FURTHER ORDERED that said subway shall be constructed to conform to the following specifications, viz.:

(4) The clearance over the rails of applicant shall be not less than 18 feet and the clearance on each side of the center line of its track from any portion of the structure shall be not less than 7-1/2 feet.

(5) The overhead clearance above the surface of the roadway of Union Avenue shall be not less than 14 feet and the width of roadway between portions of the structure on each side shall not be less than 20 feet.

(6) Said structure shall be constructed in a first-class and workmanlike manner with concrete retaining walls on each side and

throughout of suitable dimensions.

(7) The plans and specifications for the structure shall be presented to the Commission for its approval within ninety (90) days after the date of this order and said structure shall be completed and ready for the operation thereunder of trains and cars of applicant and the highway traffic on Union Avenue, within one (1) year after the date of this order.

(8) There shall be constructed along the west side of Union Avenue, being a continuation of the sidewalk, a concrete subway with overhead clearance of 7 feet and side clearance of 6 feet, and otherwise to afford a safe and convenient passage for foot passengers under the tracks of Southern Pacific Company.

(9) The approaches of the subway on each side of the crossing for the track of applicant shall not exceed 4% and for Union Avenue shall not exceed 6%.

(10) Applicant and Southern Pacific Company shall install and operate at their own expense a pump and with a suitable electric pump for the purpose of removing such water as may collect in the subway.

(11) Suitable iron railings and fences shall be placed upon the retaining walls and around the subway for the safety and protection of the public. Suitable electric lights shall be provided and maintained on proper posts at the entrances to the subway and the subway shall otherwise be properly lighted for the safety and convenience of high traffic at night. The expense of such lighting shall be borne equally by applicant and Southern Pacific Company, including the maintenance and operation thereof.

(12) The cost of hereafter maintaining the subway at all times in good and first-class condition for the safe and convenient use of the public shall be borne equally by applicant and Southern Pacific Company.

IT IS FURTHER ORDERED that pending the completion of the subway hereinbefore provided for, applicant shall be permitted to install crossing frogs and operate its trains and cars at grade across the tracks

of Southern Pacific Company. All such trains and cars of applicant shall come to a full stop within fifty (50) feet of the crossing and shall not pass over same until proper signal has been received from a flagman who shall be stationed at the crossings or from the conductor of such trains and cars who shall have gone forward and ascertained same to be safe. All trains and cars of Southern Pacific Company shall approach the crossings under full control and be prepared to stop before reaching same upon signal. A flagman shall be maintained on duty at the crossings during the hours of daylight and the expense of such flagman shall be borne equally by applicant and Southern Pacific Company. The duties of said flagman shall be not only to flag trains and cars over the crossings, but also to give warning to vehicles and other road traffic passing over the tracks of Southern Pacific Company on Union Avenue, and

IT IS THEREFORE ORDERED that of the material excavated during the construction of the subway, sufficient shall be used and placed on Union Avenue in Suisun to raise the present street and sidewalk for its full width to the established grade for a distance of not less than six hundred (600) feet from the present nearest track of Southern Pacific Company and also sufficient material shall be placed on private property abutting on Union Avenue in Suisun within this distance with the consent of the owners, to slope same from the aforesaid established grade of the sidewalk back upon the property on approximately a six (6) per cent grade, and

IT IS FURTHER ORDERED that the Commission hereby reserves the right to hereafter make such further orders relative to the construction, maintenance, operation and protection of said subway and the crossing of applicant's track with the tracks of Southern Pacific Company and the crossing of Union Avenue with said tracks as to it may seem right and proper when in its opinion public convenience and necessity demand that it take such action.

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 25th day of
April, 1913.

John W. Mahoney
W. D. Loveland
Alex. Gordon
Edwin O. Edgeston

Commissioners.