

Decision No. 26133.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Establishment
of a Crossing on Oak Street, (near Napa),
over the Railroad Tracks of the
Southern Pacific Company.

ORIGINAL

Application No. 18795.

Wallace Rutherford, District Attorney,
for the Applicant.

H. W. Hobbs, for the Southern Pacific
Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the County of Napa to construct Oak Street extended at grade across the Union Branch of Southern Pacific Company at a point near the westerly city limits of the City of Napa.

A public hearing was held before Examiner Hunter on June 13, 1933, at Napa.

At the point of the proposed crossing, the main track and two side tracks of the Union Branch run approximately north and south 200 feet to the west of and parallel to the city limits. Oak Street is an open public street in the City of Napa, extending from the Napa River on the east to the westerly city limits and dedicated as a county road for a distance of approximately 570 feet west of the city limits, crossing the right of way and tracks of Southern Pacific Company. To the west of the railroad right of way, however, it is not at present opened for travel but there has been some use by the public of that portion of the

railroad right of way between the city limits and the easterly side track. The travel using this portion of the street has used it as a means of access to a team track driveway located on railroad property and to reach the Third Street crossing located about 300 feet to the north. Some travel has also been accustomed to turn south along a driveway on railroad property to reach the Laurel Street crossing, approximately 900 feet to the south of Oak Street.

In addition to the Third and Laurel Streets crossings there is also a crossing at Second Street, 300 feet north of Third, and at First Street, 300 feet north of Second. Parallel and adjacent to the westerly line of the railroad property is Ornduff Street, a north and south street extending from Laurel Street on the south to First Street on the north, a distance of 1,800 feet. Other than First and Laurel Streets, none of the east and west streets are improved west of Ornduff Street and there are but eight houses, a packing shed and a small dehydrating plant fronting on Ornduff Street between Laurel and Third Streets, which is the district which would be served by the proposed crossing. County roads extending into the agricultural districts west of Napa connect with the Laurel Street and First Street crossings, but the crossings of Second and Third Streets are merely local connections to reach Ornduff Street from the east.

East of the railroad on the south side of Oak Street, adjacent to the railroad right of way, there is a shirt factory having 65 employees and it is claimed that the opening of Oak Street would prove a convenience to such of these employees as reside outside of the city limits. On the north side of Oak Street, east of the track but outside of the city and on railroad property, are the material yard and buildings of a contractor and

the opening of Oak Street to a connection with Ornduff might prove some slight convenience to this industry. The present route of travel utilizing the company's team track driveway to reach Third Street turns around the corner of this contractor's building and it is claimed that there is serious hazard of collision of vehicles with a standing freight car on the team track. While this hazard may exist, it appears from a count taken by the railroad company that, during a period of five hours, but three vehicles turned this corner and it is suggested that the railroad could readily prevent this encroachment upon its property by constructing a barrier along the northerly side of Oak Street.

It is also urged that the City of Napa is growing to the westward and that the proposed crossing is necessary to the public development of the tract west of Ornduff Street. We are not convinced that the development of this district has been seriously retarded because of the lack of a crossing at Oak Street, but it may be that such a crossing, since it is more centrally located, would better serve the district than the existing crossing at Third Street.

The railroad traffic is very light on this line, there being only occasional freight switching movements during periods other than in the fruit season, which extends from July 1st to November 15th, and but one or two a day during this period. The proposed crossing would be within the limits of the West Napa Yard, however, and with each train movement there would be several switching moves. If this were a railroad of more importance, we think consideration should be given to the matter of closing one or two of the present crossings.

In view of the number of crossings now existing for

the relatively small amount of highway traffic having occasion to cross the tracks, we do not favor the opening of an additional crossing. Should the County of Napa desire, however, to substitute a crossing at Oak Street for the Third Street crossing, it should be permitted to do so. An order will therefore be entered granting this application only on condition that the existing crossing at Third Street be closed.

O R D E R

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

IT IS HEREBY FOUND AS A FACT that public convenience and necessity will require the construction of a crossing at grade of Oak Street with the tracks of Southern Pacific Company if and when the existing crossing of Third Street, Crossing No. AQ-48.9, is legally abandoned and effectively closed to public use and travel, therefore

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Napa is hereby authorized to construct Oak Street at grade across the tracks of Southern Pacific Company at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. AQ-48.8.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion 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.
- (3) The crossing shall be constructed of a width not less than forty (40) feet and with grades of approach not greater than one (1) per cent; shall

(3) Continued

- be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 1 Crossing Sign, as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, the County of Napa shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing at Third Street and identified as Crossing No. AQ-48.9. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. AQ-48.9 shall be legally abandoned and effectively closed to public use and travel.
- (5) 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.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (7) 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 10th day of July, 1933.

C. S. Kearney
Leon A. White
W. B. Lewis
W. B. Lewis
W. B. Lewis
Commissioners.