

Decision No. 27882.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of THE
COUNTY OF SOLANO, State of California,
for a crossing at grade of the tracks
of the San Francisco-Napa and Calistoga
Railway at Mississippi Street near the
City of Vallejo, in the County of Solano,
State of California.

Application No. 19796.

P. E. Lynch, District Attorney, for Applicant.

Clyde E. Brown and Nathan Coombs, for
San Francisco, Napa & Calistoga Railway.

BY THE COMMISSION:

ORIGINAL

O P I N I O N

In the above entitled proceeding the County of Solano seeks authority to construct Mississippi Street at grade across the main line track of the San Francisco, Napa & Calistoga Railway at a point 550 feet north of the north city limits of Vallejo.

A public hearing was conducted in this matter by Examiner Hunter at Vallejo on March 20, 1935, at which time the matter was taken under submission.

The unincorporated district immediately north of the City of Vallejo is subdivided and partially developed as a residential district where about fifty families reside. Mississippi Street is a short east and west county road in this section, extending from a connection with Sacramento Street east two blocks to the railroad right of way. It is the County's plan to extend this street across the tracks to a connection with Sonoma Street, which is a main north and south artery

between Vallejo and Napa and located in this vicinity immediately east of the railroad. There is also a plan to extend Mississippi Street east of Sonoma Street about two blocks to Napa Street in connection with a new subdivision (Castanola Addition), all of which is shown on the map introduced as Exhibit No. 3.

The railroad involved is the single track main line of the San Francisco, Napa & Calistoga Railway between Vallejo and Napa. At the proposed crossing the track is on a curve which to some extent restricts the view to the south. This crossing would fall in the class of an obstructed one, as defined by the California Vehicle Act, inasmuch as the view is obstructed to the west of the railroad due to buildings and trees along the north side of Mississippi Street and highway equipment and materials on the south side thereof, as the County uses this property as a storage yard. Train operation over this line now consists on the average of eight passenger and four freight trains per day, the estimated speed of passenger trains at Mississippi Street being 20 miles per hour. The nearest crossing over the track to the one proposed herein is at Nebraska Street, located a distance of about 400 feet to the south, while to the north there is no crossing for a distance of about one and a half miles as the railroad passes through undeveloped territory. The position of the railroad in this matter, as expressed by its Receiver, is first that the company would not oppose the granting of this application provided the existing grade crossing at Nebraska Street was closed, and second, that if in the opinion of the Commission public convenience and necessity justifies a grade crossing over the railroad to the north of Nebraska Street, it should be at Missouri Street rather than Mississippi Street as applied for herein. Missouri Street is

a short east and west street located 400 feet to the north of Mississippi Street. Furthermore, it was his opinion that if a grade crossing is established at Mississippi Street, it should be provided with at least one automatic signal.

It is apparent from the record in this proceeding that the greatest need for a crossing at the proposed location is to accommodate the comparatively small amount of vehicular traffic from the district to the north of Vallejo and west of the railroad in travelling to and from points to the north along Sonoma Street, the greatest single need being to accommodate the movement of county equipment to and from the said storage yard at the crossing. The predominance of traffic to and from the district, for which this crossing would serve a limited use, is now afforded an overhead crossing with the railroad at Sacramento Street in travelling to the business section of Vallejo.

With respect to the proposal to close the Nebraska Street crossing upon the opening of the crossing at Mississippi Street, as applied for herein, this plan met with considerable opposition as the Nebraska Street crossing has been in existence for about fifteen years and it appears that a crossing at this location much better serves the general public than would be the case if a substitute crossing were constructed at Mississippi Street, particularly in view of the fact that both the Vallejo High School and the grammar school for this section are located on Nebraska Street to the east of the track.

After considering the record in this proceeding it is concluded that the evidence on the side of public convenience and necessity for the establishment of the proposed grade crossing slightly outweighs the objection to such a crossing with its attendant hazard. This conclusion is founded to a large extent

upon the fact that the railroad involved is not an important one with respect to the number of high-speed train movements. On the other hand, if the railroad was an important main line, clearly the application should be denied.

With respect to the suggestion of the Receiver of the San Francisco, Napa and Calistoga Railway that if another crossing is to be constructed over the track to the north of Nebraska Street it should be at Missouri instead of Mississippi Street, we find that a crossing at Mississippi Street, as proposed herein, will better serve present public needs than would be the case if the crossing were constructed at Missouri Street. This we think outweighs the advantage of spacing the crossings farther apart in the undeveloped territory as it may be many years before there is a need for another crossing to the north of Nebraska Street and when that time arrives, consideration can be given to the matter of rearrangement of crossings to best suit public needs.

In deciding that this application should be granted, the decision is based upon the assumption that the crossing will be provided with one automatic signal, which is estimated to cost about \$1,500.

O R D E R

A public hearing having been held in the above entitled proceeding and the matter being now ready for decision,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of Solano, State of California, is hereby authorized to construct Mississippi Street at grade across the track of San Francisco, Napa & Calistoga Railway 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. 70-1.4
- (2) The entire expense of constructing the crossing, together with the protection prescribed below, 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, together with maintenance of said protective device, shall be borne by San Francisco, Napa & Calistoga Railway. 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 San Francisco, Napa & Calistoga Railway Company, and said railroad shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle to the railroad as shown on the map attached to the application, and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by one (1) Standard No. 3 wigwag signal, 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) 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 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 8th day of April, 1935.

Leon Whittell

M. A. Cus

M. B. Harris

Walter ...

Frank ...

Commissioners.