

Decision No. 23293

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF SANTA ROSA, CALIFORNIA, for permission to construct a public highway over the railway tracks of the Northwestern Pacific Railroad Company at 13th Street within said City of Santa Rosa.

Application No. 20524

ORIGINAL

E. T. Koford, for Applicant.  
H. W. Hobbs, for Northwestern Pacific Railway Co.

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Santa Rosa, County of Sonoma, California, applied for authority to construct Thirteenth Street at grade across the tracks of Northwestern Pacific Railroad Company in said City.

A public hearing was held in this matter before Examiner Hall in Santa Rosa, on September 23, 1936, at which time the matter was duly submitted.

The tracks involved in this proceeding run through the easterly portion of Santa Rosa and are those formerly operated by Southern Pacific Company as a part of its Santa Rosa Branch. This operation has been abandoned and the tracks are now operated by Northwestern Pacific Railroad Company and used only for switching purposes. They extend in a general northerly and southerly direction through the eastern section of Santa Rosa.

The street system of Santa Rosa adjacent to the tracks in the vicinity of the proposed crossing is generally laid out with streets approximately parallel to and at right angles to said tracks.

North Street, a north and south street, is parallel and adjacent to the west right-of-way line of the railroad. Thirteenth Street, which the city proposes to construct at grade, over the railroad, is an east and west street extending easterly from North Street, and its proposed crossing would cross over five tracks of the railroad just south of the station building formerly used by Southern Pacific Company.

College Avenue is the next adjacent street across the tracks to the south of the proposed crossing and Fourteenth Street is the next adjacent street to the north. College Avenue is approximately 700 feet south of and Fourteenth is approximately 350 feet north of the proposed crossing.

Thirteenth Street does not extend west of North Street. In the event the crossing herein requested is opened, traffic could continue west on Benton Street, which is parallel to the lines of Thirteenth Street and located approximately 75 feet north thereof and reach Mendocino Street, the main north and south street of this city. Mendocino Street is a part of U. S. Highway No. 101.

The main business street of Santa Rosa is Fourth Street, which runs in a general northeast and southwest direction, and is intersected by Thirteenth Street near the east city limits of Santa Rosa.

Applicant produced testimony to show that the crossing is necessary in order that traffic from the east of the city could be routed along Thirteenth Street and Benton Street to Mendocino Avenue (U. S. No. 101) and thus relieve the congestion on Fourth Street. It was further pointed out that if the crossing is opened and Thirteenth Street improved, it would in all probability be designated as a truck route.

The record indicates that College Avenue could be used

as a by-pass route, without the installation of an additional crossing. It was pointed out, however, that College Avenue passes the Fairmont School (located on College Avenue between North Street and King Street) and that it intersects Mendocino Street at an unsatisfactory point due to an angle in the latter street and also the close proximity of adjacent intersecting streets.

The proposed crossing would serve, in addition to the through traffic, industries located on Thirteenth Street adjacent to the crossing.

Northwestern Pacific Railroad Company contended that the crossing would serve only the industries and that it had constructed a roadway through its station reservation to Fourteenth Street for this purpose, and that the proposed crossing was unnecessary. The railroad further contended that through traffic would not be attracted to Thirteenth Street due to the fact that for approximately two blocks east of the railroad, the street has a narrow oiled macadam pavement. The city on the other hand, showed that it would pave this section as soon as funds became available.

The rail traffic over the proposed crossing is entirely slow-moving switching, which consists of approximately four movements per day.

A review of the record indicates that public convenience and necessity requires the installation of the crossing as requested; that no undue hazard would be created and that little interference would be caused to the operation of the railroad. The record indicates that the proposed crossing would not be a benefit to the railroad and therefore the cost of its installation should be borne by applicant, except that the railroad should at its own cost, prepare all of its tracks and appurtenances thereto,

to receive the pavement.

O R D E R

A public hearing having been held, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the City Council of the City of Santa Rosa, in the County of Sonoma, State of California, is hereby authorized to construct Thirteenth Street at grade across the tracks of Northwestern Pacific Railroad Company at the location more particularly described in the application and as shown by the maps (Exhibit "B" and "C") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 5-56.4-C.
- (2) The entire expense of constructing the crossing 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 shall be borne by Northwestern Pacific Railroad Company. 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 Northwestern Pacific Railroad Company. Northwestern Pacific Railroad Company shall at its own expense prepare the tracks to receive the paving.
- (3) The crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle approximately ninety (90) degrees to the railroad 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 two (2) Standard No. 1 crossing signs 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) No train, engine, motor or car shall be operated over said crossing unless traffic on the highway is protected by a member of the train crew or other competent railroad employee acting as flagman.

- (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 23rd day of November, 1936.

M B Harris  
Leon Whittell  
M A Carr  
Frank Adams  
Commissioners.