

Decision No: 40160

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 COUNTY OF CONTRA COSTA, State of California,)
 for a crossing at grade of the tracks of the) Application
 Sacramento Northern Railway, three-eighths) No. 27871
 of a mile west of Saranap, County of Contra)
 Costa, State of California.)

ORIGINAL

FRANCIS W. COLLINS, District Attorney, by THOMAS F. McBRIDE, Deputy, for Applicant.

JOHN E. HENNESSEY, for Sacramento Northern Railway, Protestant

O P I N I O N

A subdivision is being developed in the vicinity of Saranap station, Contra Costa County, adjacent to the main line of Sacramento Northern Railway operating between San Francisco, Sacramento, and Chico. This subdivision is located on the south side of the railroad tracks immediately west of Saranap. The county highway system in general is located north of the railroad.

In this proceeding the County proposes to open a crossing at grade over the Sacramento Northern tracks as an outlet to this subdivision. (1) As yet no building construction has commenced; however, it has been so subdivided that when completed it will be occupied by about 35 homes. It is expected that a second subdivision will be developed to the west of the present one, adjacent to the railroad. The entire development will accommodate over 100 units when completed.

The proposed crossing, the site of an existing private crossing, will cross both the main line and a siding in order to connect with the streets of a third subdivision on the north side of the

(1) A public hearing was held in this matter in Martinez on January 29, 1947, at which time the matter was submitted.

railroad, which subdivision in turn, through its streets, connects with the so-called Tunnel Road between Oakland and Walnut Creek.

A public crossing at grade is now in existence in the vicinity of Saranap Station (Crossing No. 8-25.9), a distance of less than one-fourth of a mile east of the proposed crossing, and about one mile to the west is a crossing at Reilez Station (Crossing No. 8-24.7). The easterly boundary of the subdivision to be reached by the new crossing is only a few hundred feet west of the Saranap crossing, and the developer of this subdivision testified that, in addition to using the existing private crossing in connection with his development work, he has also been using the Saranap crossing, thereby trespassing on intervening private property.

Sacramento Northern Railway objected to the opening of a crossing at the location proposed and suggested that the crossing be located several hundred feet to the west where the view of approaching trains would be improved and only the main line would be involved. Applicant suggested that the west end of the siding could be moved easterly in order that the switch would be clear of the crossing, thus eliminating the crossing of the siding.

The location for a crossing suggested by the railroad could hardly be considered, as a long row of dwellings is being constructed adjacent to the north side of the railroad right of way on the property of another subdivider, and a crossing at this location would necessitate the removal of one of these dwellings.

The railroad also contends that in the event this application is granted, the crossing should be protected by automatic signals, ⁽²⁾ as in its opinion a definite hazard would result from the

(2) The cost of installing automatic crossing signals would approximate \$6,500 (Exhibit No. 6).

curve to the east of the crossing and freight cars standing on the side track would obstruct the view of approaching trains from the east to vehicle drivers approaching from the north; that a public crossing at this location would restrict the full use of its siding; and that the crossing herein involved could be readily eliminated by connecting the subdivision with the Saranap crossing, thus reasonably meeting public convenience and necessity of future residents.

As of the date of the hearing no public convenience and necessity existed for the use of a public crossing, as no one is domiciled in the area and no dwellings are under construction. However, we must expect that the present subdivision and the area west thereof will be built up and that potentially there will be over 100 families in the area south of the track.

It appears to the Commission that insufficient study was given a crossing of the railroad by the subdivider when laying out his area for residential purposes and by those responsible for the approval of subdivision plans. Apparently the subdivision was laid out with the idea of making a public crossing out of the private crossing, without due consideration as to whether or not it was the proper location or to the hazards which might evolve.

From the evidence it is clear that had a longer range view been taken of the development of the area, a street or public way could have been constructed along the south side of the railroad between the Saranap crossing and the Reilez crossing, thereby serving this entire area by the two existing crossings.

After due consideration of all the facts developed in the record we are convinced that the proper location for an outlet from the territory involved is by way of the Saranap crossing; however, the intervening private property would need to be secured for the construction of a road connecting the subdivision with the Saranap

Road. There is no evidence in the record indicating the availability of this property for road purposes or of applicant's position regarding the securing of this property through condemnation proceedings.

We have before us also Application No. 28053⁽³⁾ which involves the construction of a public crossing at grade over Southern Pacific Company's track near Alamo, as a part of the road system of a new subdivision. It is clear, if we consider each such subdivision individually as they arise, that many crossings may develop in close proximity to each other. We believe the County, through its duly constituted officers or boards, should present to this Commission evidence which will show a plan or plans coordinating subdivisions and future subdivisions in connection with the county road system, as they may involve crossings at grade with railroads.

We will therefore withhold a decision in the matter, as well as in Application No. 28053, until the matters have been reopened for further hearing on a common record. At this hearing the County authorities are requested to present any definite plans or policies with respect to the subdivision of residential property in this general area, where railroad crossings are involved.

O R D E R

Good Cause Appearing, IT IS ORDERED that the above-entitled proceeding be and it is hereby reopened for further hearing, at a time and place to be hereafter set, of which due notice will be afforded

(3) A public hearing was held in Martinez on March 13, 1947, in Application No. 28053.

all interested parties.

The effective date of this order shall be the date hereof.

Dated at San Francisco California, this 15th
day of April 1947.

Lawrence P. Kula

Justice J. Callahan
Geo. H. Russell

R. J. ...

Francis J. ...

Commissioners.