

**ORIGINAL**

Decision No. 40176

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 Southern Pacific) Application No. 28053  
Railroad south of Alamo in the County)  
of Contra Costa, State of California.)

REX BOYER, CHIEF DEPUTY DISTRICT ATTORNEY, for County of  
Contra Costa, applicant  
ROBERT N. ENSIGN, for Southern Pacific Company, protestant.

**O P I N I O N**

In this proceeding, applicant, County of Contra Costa, seeks authority under Section 43, Public Utilities Act, to construct a public highway crossing at grade over the railroad tracks of the San Ramon branch of Southern Pacific Company, immediately south of Alamo. Southern Pacific Company opposed the opening of this crossing. The matter was submitted at a public hearing, had before Examiner Austin at Martinez, on March 13, 1947.

In the vicinity of the proposed crossing, the railroad right of way parallels for some distance State Highway No. 21 between Alamo and Danville, and at this point it is approximately 70 feet west of the highway.

Adjoining the highway on the west is a tract of land comprising some 28 acres and designated as Alamo Villa Estates, which the owners propose to subdivide into fifty-four homesites. This has a frontage of 650 feet upon the highway and extends westerly about 1700 feet. On the south the tract is bounded by a creek, which is bridged both by the railroad and the highway. Along its northern

border there is a narrow private road, known as South Avenue, which connects with State Highway No. 21. This has been reserved for the use of seven families, residing in the vicinity.

This tract can be reached only by State Highway No. 21. To gain access to the contemplated subdivision, the owners propose to construct and make available for public use a street, known as La Serena Avenue. Diverging from State Highway No. 21 this street would extend through the center of the tract to its western boundary, crossing the railroad track, at grade, at a point distant some 375 feet south of the private crossing at South Avenue. The expense of constructing this crossing would be borne by the owners of the subdivision. In this proceeding, applicant seeks approval for the establishment of this crossing.

South of La Serena Avenue, and also south of the creek, the nearest public crossing is situated at Hemme Avenue, distant approximately one-quarter of a mile. To the north, the nearest public crossing is located at North Avenue, about three-eighths of a mile from La Serena Avenue. Neither road affords access to the tract with which we are here concerned.

Ultimately, the subdividers plan to convert South Avenue from a private road into a public highway which also would cross the railroad track. This is now the subject of negotiations between them and the neighboring land owners who are privileged to use the private road. The dedication of this road to public use is essential, it was said, to permit convenient access to the home sites facing the northern boundary of the tract.

It was suggested that for the proposed crossing of La Serena Avenue over the railroad track, as contemplated by the

application, there be substituted a street adjoining and paralleling the railroad right of way on the west and connecting La Serena Avenue with South Avenue, should the latter become a public highway. Under this plan, entrance to the tract would be gained over South Avenue exclusively. The subdividers objected to this proposal as impracticable.

At the location of the proposed crossing the visibility of trains approaching from the north is clear and unobstructed. The view of trains approaching from the south, however, is somewhat impaired by trees growing on the tract and in the creek bed located approximately 350 feet south of the proposed crossing, and by an orchard on the adjoining tract. The track curves to the west, thus shutting off the view of approaching trains at a point situated some 800 feet south of La Serena Avenue.

Trains operating over the San Ramon branch, extending from Avon on the north to Radum on the south, move under no regular time schedule. Carload freight traffic alone is accommodated, no passenger service being provided. Train movements are irregular, varying from six round trips monthly to one round trip each day. Ordinarily, the trains move at slow speed. Increases in population, protestant anticipates, may be accompanied by a corresponding increase in the volume of traffic handled.

Applicant and the owners of the subdivision join in urging the need for public crossings, both at La Serena Avenue and at South Avenue. Protestant suggests South Avenue as a more suitable location than La Serena Avenue, should it appear that a crossing is necessary to provide an outlet for this tract. It objects to the opening of two crossings, for this purpose, within a space of less than 400 feet.

Since the application in this proceeding seeks approval for the establishment of a grade crossing at La Serena Avenue alone, we are not at liberty to pass upon the need for such a crossing at South Avenue. That matter is not now before us.

The most appropriate location for a crossing to serve the needs of this tract, it is clear, ultimately must be determined. As stated, that matter is not before us now. This question, however, should be answered by any decision which may finally be rendered.

The record discloses that this tract is only one of many situated in this general area, which may be subdivided and marketed as homesites. Such a development may well involve the construction of additional grade crossings over the railroad lines traversing this territory.

This problem, undoubtedly, has received the consideration of the county authorities charged with responsibility for planning the development of this territory. In order that our action in this and similar proceedings may be consistent with the plans formulated by the county authorities, we believe that before reaching a conclusion we should be fully informed concerning these plans. Thus, piecemeal consideration of these projects and the opening of unnecessary grade crossings, with their accompanying hazards, may be avoided.

There is now pending before the Commission an application (Application No. 27871) which involves the establishment of a grade crossing over the line of Sacramento Northern Railway near Saranap, in this general territory. That, as well as the instant proceeding, will be reopened for further hearing upon a common record. At this hearing the county authorities are requested to present any definite plan 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 all interested parties.

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

Dated at San Francisco California, this 15<sup>th</sup>  
day of April, 1947.

Harold Hule

Justus F. Calder

Justus F. Calder

C. F. Johnson

Frank W. Patten

COMMISSIONERS