

Decision No. 40396

ORIGINAL

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 Sacramento Northern)	Application
Railway, three-eighths of a mile west of Saranap,)	No. 27871
County of Contra Costa, State of California.)	

FRANCIS W. COLLINS, District Attorney, by REX BOYER, Deputy, for Applicant; JOHN E. HENNESSEY, by ERNEST I. SPIEGLE, for Sacramento Northern Railway, Protestant.

OPINION AFTER REHEARING

In accordance with the order in Decision No. 40160, dated April 15, 1947, a further hearing was held in the above-entitled matter in Martinez on May 28, 1947, at which time the matter was re-submitted.

The purpose of reopening this proceeding was for applicant to present a plan representing the views of the County for proper locations of grade crossings over the main line of Sacramento Northern Railway in the territory involved. (1)

Prior to the rehearing, and after field inspections by some of the parties, a conference was held between representatives of the County Surveyor's office, the County Planning Commission, the District Attorney's office, and Sacramento Northern Railway for the purpose of recommending a plan for future public grade crossings over the tracks of the railroad between the Alameda-Contra Costa County Line and Concord. Minutes of this conference, including the list of recommended crossings, were filed at the hearing as Exhibit No. 9.

(1) The Opinion in Decision No. 40160 states in part as follows: "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."

With respect to the crossing herein involved, ⁽²⁾ we are substantially in agreement with the County in that the three public crossings ⁽³⁾ now in use should reasonably care for the needs of the area south of the railroad, by continuing the road adjacent to the south side of the railroad to the west and to the east. The subdivision involved can readily be served by a short road connection to the Saranap crossing over private property. This small section of land should be acquired and the road constructed thereon. By so doing, a beginning will have been made of the development of the road between the three existing crossings mentioned above. The record indicates that the subdivider is operating his vehicles over said parcel of land to develop his property.

We are convinced that the opening of a public crossing at the proposed location would be unnecessary and hazardous, particularly in view of the fact that only a very small parcel of private land would have to be secured to make a connection with the crossing at Saranap. This land should be secured and the road extended. Upon its completion the existing private crossing should be closed.

We conclude that public convenience, necessity, and safety do not require establishment of a public crossing at the proposed location; therefore the application will be denied. ✓

ORDER AFTER HEARING

Public hearings having been held and the matter having been submitted,

(2) The physical facts surrounding the crossing herein involved are amply covered in the Opinion in Decision No. 40160 and will not be reviewed here.

(3) The three crossings referred to are:

- Crossing No. 8-24.4 - Near Lafayette
- Crossing No. 8-24.7 - At Roliez Station
- Crossing No. 8-25.9 - At Saranap

IT IS HEREBY ORDERED that Application No. 27871 is hereby denied.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 10th day of June, 1947.

Harold P. Kula
Justin F. Carver
Grant Powell
R. J. ...
Penelope ...
Commissioners