

ORIGINAL

Decision No. 40832

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the County )  
of Contra Costa, for a crossing at grade of the )  
tracks of the Sacramento Northern Railway, near ) Application No. 28305  
Lafayette, 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.

O P I N I O N

In this application the County of Contra Costa requests per-  
mission to construct a public road at grade across the tracks of  
Sacramento Northern Railway in the vicinity of Lafayette and at the  
location more particularly described and as shown by Exhibit "A",  
attached to and made a part of the application.

A public hearing was held in this matter in Martinez on  
May 28, 1947 at which time the matter was submitted for determination.

A portion of the property extending northerly from St.  
Mary's Road across the tracks of said railroad is being subdivided  
and a public road is proposed through the center of this property in  
a northerly direction from St. Mary's Road to the northerly end of  
the subdivision north of the railroad. There now exists a public  
crossing about two-tenths of a mile west and another public crossing  
about one mile to the east of the proposed crossing. Neither of the  
two existing crossings are so situated to serve the property herein  
involved or the property immediately to the west and east thereof.

Prior to the hearing and after the field inspection by some  
of the parties, a conference was held between representatives of the  
County Surveyor's Office, the Planning Commission, the District  
Attorney's Office and Sacramento Northern Railway for the purpose of  
recommending a plan for future grade crossings over the tracks of the  
railroad between the Alameda-Contra Costa County line and Concord.

The following is quoted from the minutes of the meeting held by the parties on May 4, 1947:

"This Commission has before it at the present time Application No. 28305 for authority to construct a public crossing just west of Lafayette. This road is down the center of a proposed subdivision which extends from the county road north of the railroad to and over the tracks. The map indicates that there are five lots south of the railroad track. On either side of this land which is being subdivided are also some acreages which similarly extend from the county road to and across the railroad.

"It was the opinion of the group that a public crossing could be established as proposed in Application No. 28305 provided arrangements were made to coordinate the adjacent subdivisions so that they might be served by this same crossing."

Although the various acreages north of the railroad are now undeveloped, it is probable that in the not too distant future these lands will be developed as residential property. Provision should now be made to coordinate these areas in order to minimize the number of grade crossings over the railroad in this location.

The record hereby clearly indicates that if a crossing is established as proposed, provisions should be made for the connection of adjacent lands north of the railroad to the road herein proposed to be built.

A review of the records indicates that the application should be granted provided however that arrangements are made to connect the adjacent property with the crossing herein authorized.

#### O R D E R

A public hearing having been held and the matter being under submission, the County of Contra Costa is authorized to construct a public crossing at grade over the main line track of Sacramento Northern Railway at the location described in the application, to be identified as Crossing No. 8-23.3. Applicant shall bear entire construction expense and also maintenance cost outside of lines two feet

outside of rails. Sacramento Northern Railway shall bear maintenance cost between such lines. Width of crossing shall be not less than 24 feet and grades of approach not greater than four per cent. Construction shall be equal or superior to Standard No. 2 of G. O. No. 72. Protection shall be by two Standard No. 1 crossing signs (G. O. No. 75-B).

Within sixty days from the effective date hereof applicant shall file or cause to be filed with this Commission a subdivision map of the area served by said crossing, showing the proposed connection to the adjacent lands.

Within thirty days after the completion pursuant to this order, applicant shall so advise the Commission in writing. The authorization shall become void if not exercised within one year unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require. The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of October, 1947.

Harold P. Hule  
Justice D. Casner  
R. J. [unclear]  
[unclear]  
COMMISSIONERS