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Decision No. 43418

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

FRANCIS W. COLLINS, District Attorney
By Matthew S. Walker, Deputy, for Applicant

E. L. VAN BELLEN, for Sacramento Northern Railway, Protestant

OPINION AFTER REHEARING

By Decision No. 40396, dated June 10, 1947, in the above-entitled application, the County of Contra Costa was denied permission to construct a public crossing at grade over the tracks of Sacramento Northern Railway in the vicinity of Saranap, in that county.

On July 13, 1949, applicant filed its petition to reopen this proceeding on the grounds that the crossing was necessary for fire protection purposes in the area involved. The Commission issued its Order Reopening Proceeding for Further Hearing on August 2, 1949. A public hearing was held in Martinez before Examiner Hall on September 16, 1949, at which time the matter was submitted.

The entire record produced was with reference to the need of the Lafayette Fire Department for the crossing in order to reach the newly built-up area to the south of the railroad. As no testimony was introduced as to the need for the crossing by the traveling public, the record upon which Decision No. 40396 was based still holds, and it appears clear that there is no need for the crossing for general vehicular traffic.

The Lafayette Fire Department is located on Moraga Road, about one-half block south of the State highway (Mount Diablo Boulevard), in the unincorporated town of Lafayette, which is approximately 4.3 miles by road to the west of the crossing involved herein. No fire alarm boxes are located within the area on either side of the railroad in the vicinity of Saranap and the fire department is largely dependent upon telephone calls from persons in that area. Often such

calls do not give the exact location, and the fire might be on one side of the railroad or the other. Due to the manner in which the subdivisions are developed in the area, without connecting roads between them, the fire department usually approaches from the north side of the tracks, and should the fire be on the south side it would be necessary, with no crossing at the proposed location, to travel a circuitous route of about 1.6 miles to reach the fire. With a crossing at the proposed location, the fire department could readily reach the opposite side of the railroad.

An engineer of the Underwriters Association testified that the distance from the Lafayette fire house to this area is too great for a fire department to travel to reach a fire, and he has recommended to the County that a second firehouse be established in the vicinity of Saranap Station. By so doing a fire in any part of the area involved could readily be reached without the opening of the proposed crossing. He further testified, however, that until such time as a second fire house is established, a crossing should be constructed for use of the Fire Department.

The Fire Chief of the Lafayette Fire Department testified that should the crossing be established, his department would be agreeable to having it protected by locked gates, the key of which would be in the hands of the Fire Department only.

The Sacramento Northern Railway objected to the opening of this crossing for any purpose, as it felt that the existing crossing at Saranap Station was sufficient to take care of the subdivision south of the railroad, which was entirely vacant at the time of the first hearing, although the record showed that there would eventually be some fifty or more dwellings in the area. These dwellings have been built and occupied.

It is clear that the existing crossing at Saranap reasonably takes care of the ordinary vehicular traffic, but we appreciate that the Fire Department would have difficulty in reaching a fire on time if it should approach from the wrong side of the tracks. It therefore appears desirable that a crossing be established at this location for the use of the Fire Department only, and maintained until such time as a second fire house can be built in the vicinity of Saranap Station. This crossing should be equipped with substantial gates, kept locked, except when used by the Fire Department, which would have the sole custody of the key. The following order will so provide.

ORDER

A public hearing having been held and the matter being under submission;

IT IS ORDERED that the County of Contra Costa is authorized to construct a crossing at grade with the tracks of Sacramento Northern Railway in the vicinity of Saranap Station at the location shown by the map attached to the application.

This authority is granted subject to the following conditions:

- (1) The crossing is authorized for the sole use of the Lafayette Fire Department and shall be equipped with substantial gates on each side of the railroad right of way, which gates shall be kept locked at all times and the key placed in the custody of said fire department.
- (2) Said crossing shall be constructed equal or superior to Standard No. 2 of the Commission's General Order No. 72, and of a width not less than 16 feet, with grades of approach not exceeding four per cent.
- (3) The entire expense of constructing and maintaining said crossing and gates shall be borne by applicant.
- (4) Said crossing shall be maintained only until such time as a fire house is established in the vicinity of Saranap Station, and upon the establishment of such fire house, the crossing shall be removed.
- (5) Applicant shall, within thirty (30) days thereafter, notify the Commission in writing of the construction 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.

The authority herein granted shall become effective twenty days after the date of this order.

Dated at San Francisco, California, this 25th day of October, 1949.

R. F. Indurain
James J. Cramer
W. H. Russell
Harold Kula
Monmouth Foster
 Commissioners