

ORIGINAL

Decision No. 47562

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
County of Solano, State of California,
for a crossing at grade of the tracks of
the San Francisco and Napa Valley Railroad
at Engineer's Station 96 and 80 on the
extension westerly of Idaho Street,
Vallejo Township, Solano County, California,
near the City of Vallejo in said County.

Application No.
32625

In the Matter of the Commission Investigation
concerning the California Street grade crossing
in the County of Solano.

Case No. 5363

- K. I. Jones, County Counsel for County of Solano, applicant.
- Howard G. Dickenson, attorney, for Mr. and Mrs. E. E. Rose.
- Shipley and Shipley, James R. Busby, Crocco and Hansen, Bud
Willhite, Charles Oaks, Val-Nap Builders and Marion Boyd,
interested parties.
- Millard Smith, attorney, for Don Hall, et al, doing business
as China Barn, interested party.
- J. U. Friend, for San Francisco and Napa Valley Railroad,
interested party.
- John Power, attorney, for the Commission.

O P I N I O N

The applicant County of Solano is seeking authority from this Commission by Application No. 32625 to construct a crossing at grade across the track of the San Francisco and Napa Valley Railroad at a point in Vallejo Township where the westerly extension of Idaho Street crosses said track.

About 300 feet north of the proposed Idaho Street crossing there is now in existence another grade crossing known as the California Street crossing or the E. E. Rose crossing. Subsequent to the filing of Application No. 32625 the Commission instituted an investigation on its own motion, Case No. 5363, for the purpose of determining whether or not public convenience and public safety require the abolishment by physical closing of said California Street crossing.

A public hearing at which the above proceedings were consolidated was held before Commissioner Mitchell and Examiner Cline at Vallejo, May 29, 1952.

Proposed Idaho Street Crossing

Witnesses for the County of Solano testified that the construction of the proposed grade crossing at Idaho Street is a public necessity as it is an integral part of a master plan for the improvement of the road system in the area.

The County of Solano has obtained the necessary rights of way and proposes to construct an extension of Idaho Street westerly from Couch Street across the track of the San Francisco and Napa Valley Railroad to State Highway Route 74 (designated by State Highway Sign No. 29) and then on to Sacramento Street which borders on a large housing development. The County has obtained an 80-foot right of way for this purpose. The 40-foot roadway first to be constructed will later be widened to a 66-foot road when increased traffic warrants. As the roadway crosses land which is inundated during the rainy season it will be constructed on fill, a good part of which has already been placed for the portion of the extension to be constructed between Couch Street and State Highway Route 74.

The master plan also provides that the City of Vallejo is to improve the existing Idaho Street and construct an extension easterly to an improved Redwood Street which will complete a major arterial across the City of Vallejo to U. S. Highway No. 40.

It is contemplated that the improvements and road construction above outlined will be completed within five years.

The nearest dedicated public crossing south of the proposed Idaho Street crossing is Crossing No. 70-1.5 at State Highway Route 74 and the nearest dedicated public crossing to the north is Crossing No. 70-3.4 at the Sears Point Road. The proposed Idaho

Street crossing is at M.P. 1.75 which places the proposed crossing about 1/4 mile north of the State Highway Route 74 crossing and about 1-1/2 miles south of the Sears Point Road crossing.

The County recommends the installation of two Standard No. 1 crossing signs, one on each side of the roadway, in the event the grade crossing at Idaho Street is authorized.

California Street Crossing.

The California Street crossing is an existing crossing 18 feet wide located at M.P. 1.8 and as previously stated is about 300 feet north of the proposed Idaho Street crossing.

The record shows that the California Street crossing originally was a private crossing selected by William Baxter Knight, Sr., and his wife Lula L. Knight pursuant to a reservation contained in a deed dated January 14, 1921, a certified copy of which deed has been introduced into evidence as Exhibit No. 4. Mr. E. E. Rose subsequently acquired the easement known as the California Street crossing when in 1940 he purchased from the Knights property between State Highway Route 74 and the San Francisco and Napa Valley Railroad right of way, including the portion of California Street between said railroad right of way and State Highway Route 74. He also purchased at this time that portion of California Street between said railroad right of way and Couch Street.

The portion of California Street easterly from the railroad right of way to the center line of Couch Street is 20 feet wide and 245 feet long and the portion of California Street westerly from the railroad right of way to the center line of State Highway Route 74 is 40 feet wide and 732 feet long. Mr. Rose has offered to transfer all his rights in and to California Street and to the California Street crossing to the County of Solano. The property owners along California Street between the railroad right of way and State Highway Route 74 have also deposited deeds with a title company conveying to the County of Solano an additional ten feet along

California Street so as to provide this portion of California Street with a width of 50 feet. The County, however, has refused to accept such transfers and has refused to assume any responsibility in connection with the portion of California Street between Couch Street and State Highway Route 74 including the California Street crossing.

Mr. J. U. Friend, Vice President of the San Francisco and Napa Valley Railroad, testified that the railroad considers the California Street crossing a private crossing, but that no barrier has been erected to close this crossing to public use. In compliance with orders from Mr. Friend new signs with the wording "Private Crossing Not For Public Use" were erected at the California Street crossing the later part of 1951 by the railroad to replace old signs which had become illegible.

Mr. E. E. Rose testified that both the California Street crossing and the portion of California Street owned by him have been open to public use and have been used by the general public continuously since he acquired those properties in 1940 and that it is his intention to permit the public to continue to do so whether or not California Street and California Street crossing are accepted by the County of Solano.

The past few years Mr. Rose has sold portions of his properties along California Street westerly from the railroad and there has resulted a considerable commercial and industrial development in this area. The owners of these commercial and industrial establishments who were represented by counsel expressed opposition to the closing of the California Street crossing but presented no opposition to the proposed Idaho Street crossing.

The evidence shows that the California Street crossing is regularly and frequently used by customers, patrons, employees and owners of the businesses fronting on California Street, who would be

inconvenienced by the closing of the crossing. In the event of the closing of the crossing the only means of ingress and egress to these businesses on California Street would be from State Highway Route 74. The access from California Street to State Highway Route 74 involves a short steep climb to a frequently traveled state highway. Witness Hull, the owner and operator of the China Barn, and Witness Oaks, manufacturer of wooden fences at 15 California Street, stated that in their opinion entering State Highway Route 74 from California Street involved far greater hazard than driving across the California Street crossing.

Exhibit No. 3, which is a traffic count of the vehicles using the California Street crossing made under the direction of the Commission staff engineer the afternoon of February 27, 1952, and the morning of March 4, 1952, shows that a total of 449 vehicles used the crossing during the 16-hour count of which number only 30 vehicles used the crossing without stopping in the industrial and business area on California Street.

Operations of the San Francisco and Napa Valley Railroad.

The San Francisco and Napa Valley Railroad is a line six miles long which handles freight shipments to and from the Mare Island Navy Yard. The maximum traffic on the line occurred during World War II when there were 10 round trips or 20 crossings of the California Street crossing by trains during a 24-hour period. Present traffic on the line is considerably less. During the entire month of May 1952, only 30 round trips were made on the line. The speed of the trains at the California Street crossing and the proposed Idaho Street crossings is approximately 10 miles per hour.

The record shows that the number of accidents occurring at crossings on this line has been extremely small. No accidents reported to the Commission resulted in death and only one resulted in personal injuries, an accident which occurred March 2, 1929, at

the Sears Point Road crossing. Commission accident reports have been maintained since January 1, 1926. Some hazard does exist, however, by reason of the fact that explosives are handled by the line. Witness Friend estimated that approximately 12-1/2 per cent of the freight handled at the present time consists of type-A explosives. The percentage of explosives handled would increase in the event of a declaration of war.

Witness Friend, representing the San Francisco and Napa Valley Railroad, did not express opposition to the opening of the proposed Idaho Street crossing nor favor with respect to the closing of the California Street crossing.

The Commission staff witness stated that in his opinion there is no preference between a grade crossing at Idaho Street and one at California Street providing the same type of safety devices are installed, but that a crossing should be authorized at only one of these streets. He stated that in his opinion two crossings so close together would be excessive from a safety point of view. He recommended the installation of No. 8 flashing light signals at whatever crossings might be authorized at these streets.

Conclusions

Upon a careful consideration of the entire record herein, we find and conclude:

- (1) The construction of a public crossing at Idaho Street is in the public interest and should be authorized by this Commission.
- (2) Such crossing should be protected by the installation of two No. 8 flashing light signals one placed on each side of said crossing.
- (3) That the entire expense of the construction of the public crossing at Idaho Street, and the installation of the protective services at such crossing should be borne by the County

of Solano.

(4) The closure of the California Street crossing at this time not only is not required by the public interest but would cause an unnecessary inconvenience to and work an undue hardship upon the users thereof.

(5) In the interest of public safety Mr. E. E. Rose in the course of subdividing his property should develop a suitable street system which will make unnecessary the use of the California Street crossing upon the completion of the construction and the opening to public use of that portion of Idaho Street between Couch Street and State Highway Route 74.

O R D E R

A public hearing having been held and based upon the evidence therein adduced and the findings and conclusions above set forth,

IT IS ORDERED:

(1) That the County of Solano is authorized to construct a public road at grade across the track of the San Francisco and Napa Valley Railroad near Vallejo, Solano County, California, at the location more particularly described in Application No. 32625 and shown on the map Exhibit A attached thereto subject to the following conditions:

- (a) The above crossing shall be identified as No. 70 - 1.8.
- (b) The width of said crossing shall be not less than 40 feet and the grades of approach not greater than 2 per cent. Construction shall be equal or superior to Standard No. 2 of the Commission's General Order No. 72. The crossing shall be protected by two Standard No. 8 flashing light signals of the type shown in General Order No. 75 - B.
- (c) The entire expense of constructing the crossing

including the protection herein ordered shall be borne by the County of Solano. The cost of maintenance of that portion of the crossing up to lines 2 feet outside of the outside rails shall be borne by the County of Solano. The cost of maintenance between said lines shall be borne by the San Francisco and Napa Valley Railroad. The cost of maintaining the flashing light protection shall be borne by the San Francisco and Napa Valley Railroad.

(d) Within thirty (30) days after completion pursuant to this order, the County of Solano shall so advise the Commission in writing. This authorization shall expire 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, or safety so require.

(2) That the investigation concerning the California Street grade crossing in Case No. 5363 is continued. The Commission on its own motion will set said matter for further hearing upon the completion of the construction and the opening to public use of that portion of Idaho Street between Couch Street and State Highway Route 74.

The effective date of this order shall be twenty (20) days after the date hereof;

Dated at San Francisco, California, this 11th day of August, 1952.

[Signature]
PRESIDENT
[Signature]
[Signature]
[Signature]
COMMISSIONERS