

**ORIGINAL**Decision No. 52792

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 the COUNTY OF SACRAMENTO for )  
 permission to construct a crossing ) Application No. 37120  
 over the Placerville-Sacramento )  
 Branch of Southern Pacific Railroad )  
 Company. )

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A. L. Kiefer, County Engineer, and Earl D. Fraser,  
 Planning Director, for applicant.  
Peter Hunt for Louis C. Roberts, interested party.  
Warren P. Marsden for Department of Public Works,  
 Division of Highways, protestant.  
R. S. Myers for Southern Pacific Company, interested  
 party.  
James K. Gibson for the Commission staff.

O P I N I O N

The application under consideration was filed on July 9, 1955. Public hearing was held on it in Sacramento on December 8. Witnesses included the engineer and planning director of Sacramento County, the subdivider, the district engineer of the Division of Highways, Department of Public Works (hereinafter called "Department"), the assistant division engineer of the Southern Pacific Company and an engineer from the Commission staff. Two exhibits attached to the application were adopted in testimony and nine other exhibits were received. From the record thus created the following facts appear.

At the location of the proposed crossing, and for a considerable distance in either direction, U. S. Highway 50 (locally called Folsom Boulevard) and the Placerville branch of Southern Pacific Company run side by side, the highway being to the north. The two rights of way have a common boundary. A subdivision called Mills Park Estates lies to the south of the railroad adjacent to the proposed crossing. The general location is about 14 miles easterly

(rail distance) from the Southern Pacific Station in Sacramento.

The crossing involved herein is situated between the public crossing at Zinfandel Road which is .46 miles highway distance to the east, and the public crossing at White Rock Road situated in Mills, California, about .73 miles to the west. There are also several private crossings in the vicinity. Mills has some limited shopping facilities. There is a modern shopping center being developed at Zinfandel Road and Folsom Boulevard as part of a subdivision called Cordova Estates. It is expected that most shopping by residents of Mills Park Estates will be done at Zinfandel and Folsom.

Folsom Boulevard is a highway with a high traffic density. The rail traffic on the Placerville branch is low. The normal flow is two trains each way per day, operating in the daylight hours. At the height of the fruit season, about six weeks in most years, a third train is sometimes added, and some of these last movements are at night. Rail movements on this section of track are subject to a 30-miles per hour speed limit.

The Department's protest was based largely on considerations of highway safety. Its witness was the District Highway Engineer (District III). There are two things in particular that the Department disliked. In the first place they prefer that access roads to the main highway be at the rate of one per mile. The second objection is that there is a lack of sufficient "storage" space for vehicles between the paved portion of Folsom Boulevard and the railroad track.

The subdivider testified as a witness in behalf of the application. He was prepared to co-operate in any way to solve the problem. He has engaged an engineer to replat the whole subdivision if necessary. Specifically he is willing to relocate the crossing at any point on his property that the Commission, County or Department may prefer. The present subdivision map is not a final one and changes may be made in it.

At the conclusion of the hearing the subdivider's attorney suggested a stipulation to be adopted by applicant if it was acceptable. The county engineer has accepted this stipulation by a subsequent letter. Under its terms a new subdivision map is to be filed showing a frontage or feeder road at least 60 feet wide, distant one block from, and parallel to, the railroad. Until the map is filed the crossing authority may not be granted for a specific location. ✓

The Commission's staff sees the need for some definite plan of crossings along this stretch of parallel highway and track. To some extent the stipulation referred to above will meet this requirement.

*RGW* Upon consideration of all of the evidence, the Commission finds and concludes that public convenience and necessity require the construction of <sup>A</sup> grade crossing as proposed in the application.

O R D E R

Application having been filed, public hearing having been held, the matter being submitted and ready for decision, and basing its decision on the conclusions set forth in the foregoing opinion; therefore,

IT IS ORDERED as follows:

That upon the filing by the owner or owners of Mills Park Estates of a final subdivision map of said subdivision as indicated in the foregoing opinion and the acceptance thereof by the appropriate authority of Sacramento County, the Commission will issue a supplemental order herein authorizing the construction of a crossing at grade connecting said Mills Park Estates with U. S. Highway 50 across the Southern Pacific Company's Placerville Branch. *RGW*

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

Dated at San Francisco, California, this 13<sup>th</sup> day of March, 1956.

William E. Mitchell  
President  
Justus F. Auer  
August W. Armer  
Michael J. Dole  
R. Hardy  
Commissioners