

ORIGINAL

Decision No. 53444

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 )  
Railway Company in the Pleasant Hill )  
area, Contra Costa County, California. )

Application No. 37940

John B. Clausen, for applicant.  
John F. Ganong, for Las Juntas Swim Club,  
interested party.  
E. L. Van Dellen, for Sacramento Northern  
Railway, protestant.  
Martin J. Lewis, for Commission staff.

O P I N I O N

Nature of Proceeding

Applicant seeks an order authorizing a public crossing at grade of the tracks of the Sacramento Northern Railway, connecting a county road with property being developed as a recreational area and owned by the Las Juntas Swim Club in Contra Costa County.

Public Hearing

The application was submitted for decision at a public hearing held, after due notice, in Walnut Creek on June 6, 1956, before Examiner E. F. Walsh.

Nature of Evidence

Las Juntas Swim Club, a corporation, owns a parcel of land the northeasterly boundary of which parallels and is adjacent to the right of way of the Sacramento Northern Railway in the Pleasant Hill area of Contra Costa County. Las Juntas Road, a county road, parallels the Las Juntas Swim Club property on the opposite side of the Sacramento Northern Railway's right of way. The property is to be

developed to provide swimming and recreational facilities and is the only such area within a radius of five miles with the exception of a small public swimming pool located on the opposite side of a new freeway presently undergoing construction. The surrounding area is predominantly residential.

The southwesterly corner of the swim club property occupies a gore formed by the intersection of the tracks of the Sacramento Northern Railway and the Southern Pacific Railroad at which intersection is located Crossing No. 8-29.65, approximately 212 feet south of the proposed crossing. The nearest public crossing to the north, Crossing No. 8-29.8, is approximately 819 feet. The proposed crossing is at Mile Post 29.7.

The only other practical means of access to the swim club property would be either from Crossing No. 8-29.65 into the southwesterly corner of said property or over a twenty-foot right of way provided for in the deed of the property extending a distance of 502 feet from the easterly boundary of the swim club property over adjoining lands to a point where Las Juntas Road parallels the easterly boundary of the swim club property.

The Assistant Director of Public Works of Contra Costa County testified that in his opinion an entrance into Crossing No. 8-29.65 from the swim club property would increase the hazard at that crossing due to the additional automobile traffic and an expected increase in railroad traffic on the Southern Pacific track at that location.

He further testified that the proposed crossing would be less hazardous than such an entrance into Crossing No. 8-29.65 as it would require crossing only one track and would be used only by persons frequenting the swim club property.

The use of the twenty-foot right of way as a means of access for vehicular traffic to the recreational area by the public would be beyond the terms of a land use permit granted to the swim club by the Planning Department of Contra Costa County. Its use in such a manner would likewise meet with opposition from residents bordering the right of way.

The record disclosed that approximately eight trains per day pass the point of the proposed crossing. It is estimated that approximately one hundred cars per day would pass over the proposed crossing. The record shows that visibility across the proposed crossing is unlimited and that the sight distance to the southwest is 200 feet and to the northeast is 750 feet.

The protestant offered no testimony but by cross-examination elicited evidence to the effect that every grade crossing is a hazard and the proposed crossing, if installed, would create an additional hazard that did not previously exist.

Testimony also revealed that in 1953 the protestant offered to the swim club's predecessor in title permission to install a private crossing in the same general location as the proposed crossing. It should be noted, however, that the property at that time was to be used only for the construction of two or three residences.

#### Opinion and Conclusion

While we have previously stated that it is the policy of the Commission to avoid grade crossings of streets and public highways wherever it is practicable and possible to do so at a reasonable expense, we may permit a departure therefrom whenever particular circumstances and public convenience and necessity so dictate.

The record shows that the proposed crossing will provide the public with a means of access to swimming and recreational facilities which do not otherwise exist in a growing residential area.

There appears to be no other practical way to provide access to these facilities without increasing the hazards at other crossings or without incurring unreasonable expense.

The record indicates that traffic at the proposed crossing, both train and vehicular, will be relatively light.

Therefore, after carefully considering the record in this proceeding it is concluded that public convenience and necessity require the granting of this application.

O R D E R

A public hearing having been held in the above-entitled proceedings, evidence taken and an order of submission made and the Commission being fully advised,

IT IS ORDERED, that the County of Contra Costa is hereby authorized to construct a public road at grade across the track of the Sacramento Northern Railway at the location as shown by the map attached to the application and marked "Exhibit A", subject to the following conditions and not otherwise:

- (1) The crossing shall be identified as Crossing No. 8-29.7.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two feet outside of the outside rails shall be borne by the Sacramento Northern Railway.
- (3) The crossing shall be constructed of a width of not less than twenty-four feet and at an angle of approximately ninety degrees to the railroad. Grades of approach shall not be in excess of those shown in Exhibit "A" attached to the application. Construction shall be equal or superior to type shown as Standard No. 2-A or

No. 2-B in our General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order 75-B) reflectorized with reflex-reflective sheet material. The entire cost of acquiring and installing such protection shall be borne by applicant.

(4) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.

(5) The authorization herein granted shall expire if not exercised within one year from the date hereof unless further time is granted by subsequent order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of July, 1956.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
Commissioners