

**ORIGINAL**Decision No. 62779

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the County of Sonoma, acting  
through its Board of Supervisors,  
for permission to abolish the  
existing public crossing at grade  
(Crossing No. 5-55.0) across the  
main line of the Northwestern  
Pacific Railroad at Jennings Avenue,  
westerly of Santa Rosa.

Application No. 43709  
(Filed August 28, 1961)

Vernon T. Hitchcock, for applicant.  
Randolph Karr and Harold S. Lentz, for  
Northwestern Pacific Railroad Company,  
interested party.  
Charles De Meo, for the Tesconi heirs,  
protestants.  
Charles J. Astrue, for the Commission staff.

O P I N I O N

This application of Sonoma County alleges that pursuant to a resolution of its Board of Supervisors it agreed with the Northwestern Pacific Railroad Company to abandon and close the grade crossing at Jennings Avenue, No. 5-55.0, upon the authorization and construction of the Guerneville Road Extension.

This matter was heard before Examiner Rowe at Santa Rosa on September 25, 1961, on which date it was submitted. Copies of the notice of hearing were served, posted and published in accordance with the Commission's procedural rules. The Railroad Company appeared in support of the County and the only protestants were the Tesconi heirs who own real property in the area.

The County Planning Commission after a careful study by its staff has found that this unprotected crossing located between the protected crossings of West College Avenue and the Guerneville

Road Extension which is under construction is no longer required to adequately handle traffic. Additional evidence to this effect was presented at the hearing. The Railroad Company presented convincing evidence to support its contention that this crossing, which lacks the support of a valid easement or right of way or a Commission order that it be opened, should be ordered physically closed now that traffic will be diverted from Jennings Avenue to the new Guerneville Road Extension.

The Commission finds that this crossing is not justified by public convenience and necessity and should now be closed. We agree with the County officials that local traffic should be joined with through traffic to cross the tracks at points which are at a reasonable distance from each other.

According to the evidence of protestants they will suffer some inconvenience and possibly a loss in value of their property since it will no longer be on a street that crosses the tracks. However, this is the result if grade crossings are to be reasonably spaced. The only alternative is to have every street and road separated or cross the tracks at grade and be protected by expensive signals or other devices. The public interest and safety dictate a reasonable spacing of grade crossings, thereby reducing expense and eliminating the risk of accidents at unnecessary grade crossings.

O R D E R

Application therefor having been made, public hearing having been held, the matter being under submission, and the Commission being fully advised,

IT IS ORDERED:

1. That upon the completion of Crossing No. 5-55.3 Guerneville Road (previously authorized in Decision No. 62534), the

grade crossing over the Northwestern Pacific Railroad Company tracks at Jennings Avenue in the County of Sonoma, west of Santa Rosa, designated on the Commission records as Crossing No. 5-55.0, shall be closed to vehicular and pedestrian traffic by the construction by said Railroad Company and applicant of proper barriers at the sole cost of applicant to prevent the use of said crossing by other than railroad traffic.

2. That within thirty days after the construction required by Ordering Paragraph 1 hereof has been completed, applicant shall give the Commission written notice of compliance with the terms of this decision.

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

Dated at San Francisco, California, this 7th day of November, 1961.

[Signature]  
 President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.