

ORIGINAL

Decision No. 69704

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Vacaville)
 for a Public Grade Crossing over the)
 Elmira to Esparto Line of the)
 Southern Pacific Railroad at the)
 realigned location of Scoggins Lane)
 in the City of Vacaville, Solano)
 County, California.)

Application No. 47126
 Filed November 19, 1964

Wayne A. McFadden, of Wilson, Jones, Morton &
 Lynch, for City of Vacaville.
Harold S. Lentz, for Southern Pacific Company.
John L. Carroll, for the Commission staff.

O P I N I O N

The City of Vacaville requests an order authorizing the opening of a public grade crossing over the Elmira to Esparto Line of Southern Pacific Company at a relocated alignment of Scoggins Lane, for access to the northeasterly portion of the City in which there is a substantial residential development in progress. The project entails the abandonment and closing of an existing public grade crossing (Crossing No. AD 63.9) located approximately 160 feet north of the proposed crossing.

The application was heard and submitted, subject to the filing of a stipulation concerning the type and cost of installation of protective devices at the proposed crossing, since received (Exhibit 3) -- at Vacaville on July 3, 1965, before Examiner Gregory.

The record discloses that Scoggins Lane, as relocated, will: provide access to residential and other improvements being constructed in the Scoggins Lane Area Assessment District in the

northeastern portion of Vacaville; establish a continuous street route to the new development, in conformance with the City's master plan, by providing a link to Monte Vista Avenue, an east-west arterial with access to Highway U. S. 40; provide police, fire and other emergency vehicles a shorter and more direct route to the northern area of the City; replace the present narrow paved crossing (AD 63.9) and unpaved road in a 20-foot right-of-way with a paved city street, 24 feet wide, in a standard right-of-way 60 feet wide.

The proposed crossing would be used by those now using the existing crossing and by additional traffic, estimated at 800 or more vehicles per day within the next five years, or so, as a result of the land development in the Assessment District. Present rail traffic in the crossing area is expected to increase to at least two round-trip movements per day before the end of 1965.

Visibility at the proposed crossing site is impaired for southbound traffic on Scoggins Lane by an outcropping of rock west of the road and a curve in the track to the southeast a few hundred feet south of the crossing. Visibility for northbound traffic is good.

The City and Southern Pacific have stipulated, in substance, that: the Commission may authorize the grade crossing at the proposed location; applicant shall bear the entire construction expense, also the maintenance cost of the crossing outside of lines two feet outside of rails, and Southern Pacific shall bear the maintenance cost of the crossing between such lines; the crossing shall be protected by two Standard No. 8 flashing signal lights (General Order No. 75-B), supplemented with automatic gate arms of a type similar in aspect to that now used but cheaper; the City and Southern Pacific will share equally the cost of installation and

construction of the two flashing signals and gate arms, except that if such cost exceeds \$15,000 the excess shall be apportioned by agreement of the parties or by further order of the Commission if they cannot agree; allocation of maintenance costs for protective devices at the crossing will be deferred until further order of the Commission; the existing grade crossing (No. AD 63.9) shall be abandoned and closed.

We find that:

1. Public safety and health require the opening of a public crossing at grade of Scoggins Lane, as relocated, over tracks of the Elmira to Esparto Line of Southern Pacific Company, in the City of Vacaville, as proposed in the application herein, in lieu of the existing public grade crossing of said tracks, designated Crossing No. AD 63.9, located approximately 160 feet to the north.
2. Upon completion of the crossing proposed herein, there will no longer be a public need for said Crossing No. AD 63.9.
3. The plans for construction and protection of said crossing, set forth in Exhibit B to the application herein and in Exhibits Nos. 1 and 2 in evidence, are satisfactory.

We conclude, therefore that:

1. The proposed crossing should be constructed and protected as provided in the ensuing order.
2. The existing grade crossing at AD 63.9 should be abandoned and closed upon opening the crossing proposed herein.

O R D E R

IT IS ORDERED that:

1. The City of Vacaville is authorized to construct and open, at its sole expense, a crossing at grade at the location designated

in the application herein, of Scoggins Lane over Southern Pacific Company's Elmira to Esparto Line, in the City of Vacaville. Applicant shall bear the cost of maintenance of said crossing outside of lines two feet outside of rails. Southern Pacific Company shall bear the maintenance cost of the crossing between such lines.

2. Said crossing shall be protected by two Standard No. 8 flashing light signals (General Order No. 75-B), supplemented with automatic gate arms of the improved type described by Southern Pacific Company at Transcript Pages 18 and 19 of the record of the hearing herein.

3. The cost of installation of said automatic signals and gate arms shall be apportioned on the basis of 50 percent to be paid by the City of Vacaville and 50 percent to be paid by Southern Pacific Company; provided, however, that in the event the cost of installing and constructing said automatic signals and gate arms exceeds \$15,000, the amount in excess of \$15,000 shall be apportioned by agreement of the parties or, if the parties cannot agree, by further order of the Commission after hearing. Allocation of maintenance costs for protective devices at said crossing shall be deferred until further order of the Commission.

4. Upon completion and opening of said crossing, the existing grade crossing located at AD 63.9 shall contemporaneously be abandoned and closed.

5. Applicant and Southern Pacific Company, within thirty days after completion of the crossing construction and protection authorized herein and of the abandonment and closing of the existing crossing at location AD 63.9, shall so advise the Commission in writing.

6. The crossing authorized herein shall be identified as Crossing No. AD 63.85.

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

Dated at San Francisco, California, this 21st day of September, 1965.

Frederick B. Halbach
President
Robert S. ...
George B. Hoover
Augustus ...
William L. ...
Commissioners