

ORIGINAL

Decision No. 19603

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE CITY OF BURLINGAME, a municipal
 corporation, for permission to con-
 struct crossing at grade over tracks
 of the Southern Pacific Company and
 Market Street Railway Company,
 railroad corporations.

Application No. 14100.

H. A. Totten, for the City of Burlingame..

H. W. Hobbs, for the Southern Pacific
Company.

I. R. Dains, for the Market Street Rail-
way Company.

BY THE COMMISSION:

O P I N I O N

This is an application by the City of Burlingame for a pedestrian crossing over the tracks of Southern Pacific Company and Market Street Railway Company at a point approximately midway between Burlingame and Broadway Stations on Southern Pacific Company's Coast Line.

A public hearing was held in Burlingame on January 16th, 1928, before Examiner Gannon.

The proposed crossing involves a double track main line of each company. These tracks extend in a general northwesterly and southeasterly direction through the City of Burlingame and the crossing requested is desired to afford an outlet from that portion of the city which lies on the northeasterly side of the railways, northwest of Oak Grove Avenue. This district, which is generally referred to as the Corbitt and Villa Park Subdivisions, consists

of some six or seven blocks of fairly well built-up residence property. Exhibit No. 6 shows that there are now some 125 houses located in the two tracts.

The district is traversed by three streets which run approximately at right angles to the railroads; namely, Oak Grove, Park and Morrell Avenues. Park Avenue separates the said two subdivisions, Oak Grove Avenue is 750 feet south of Park Avenue and Morrell Avenue is 600 feet north thereof. Oak Grove Avenue is the only one of these three streets which crosses the tracks involved. In this application it is proposed to construct a pedestrian crossing opposite the westerly terminus of Morrell Avenue.

In the past there have been two other proceedings before the Commission, seeking authority for crossings in this vicinity. In 1914, Application No. 1408 was filed, in which the City requested permission to construct and extend Palm Drive across these tracks at a point about 500 feet southeasterly from the crossing proposed in the present application. This authority was denied, as it appeared that such a crossing would be extremely dangerous. In 1923, by Application No. 9603, the City applied for a crossing at the point where it is now proposed to construct a pedestrian crossing. This application was denied, the Commission commenting as follows:

"It may be that there is a necessity for a pedestrian crossing in this neighborhood, but it is not clear from the testimony that this pedestrian crossing should be at Morrell Avenue."

California Drive, a paved through street connecting Burlingame and Broadway Stations, which lies on the southwesterly side of and parallel to the railroads, carries a heavy traffic between the Burlingame and Broadway districts. In order to reach this drive from Morrell Avenue, it is necessary to cross several narrow parcels of property owned by various interests, as follows: a 15'

right-of-way of The Pacific Telephone and Telegraph Company; a 100' right-of-way of the Southern Pacific Company, occupied by two main line tracks; a 25' strip belonging to the City of Burlingame, on which stands a grove of eucalyptus trees; a 25' strip of detached right-of-way belonging to the Southern Pacific Company; and, a 25' right-of-way of the Market Street Railway Company, occupied by a double track electric suburban line.

From a map of the City of Burlingame, filed in this proceeding, it appears that the distance to Burlingame Station from the proposed Morrell Avenue crossing is approximately 3400 feet and to Broadway Station, the distance is about 2400 feet. Because, however, of the arrangement of the streets within the district, it appears that all of the Corbitt Subdivision and the greater portion of Villa Park is actually closer, by public thoroughfares, to Burlingame Station than it would be to Broadway Station even if the proposed crossing at Morrell Avenue were open, the residences along the northerly side of Morrell Avenue being practically the only exception and the increased distance to these homes is in most instances but 200 or 300 feet. Likewise, the business district at Burlingame Avenue is closer than the business district at Broadway would be. The proposed crossing would therefore add little, if any, to public convenience in reaching either the Southern Pacific Stations or the business sections of Burlingame.

It appears that the chief purpose of the pedestrian crossing sought in this application is to facilitate access to the cars of the Market Street Railway Company. This company maintains a car stop at Oak Grove Avenue and also one at what is known as Burlingame Terrace, about 1000 feet northwesterly from Oak Grove Avenue and 500 feet southeasterly from the crossing desired. Although the Burlingame Terrace stop is approximately opposite the center of the district, it is not readily accessible to residents living on the

easterly side of the track, the Oak Grove Avenue Station at the southerly end of the district being the only car stop that can be conveniently used. Burlingame Terrace Station being situated about 500 feet southerly from the proposed crossing, it would be necessary for a considerable number of residents to walk some four or five hundred feet northerly to Morrell Avenue and then 500 feet southerly to the car Station.

It was suggested at the hearing that a crossing at Park Avenue, which is but 150 feet distant from the Burlingame Terrace Station, would prove more convenient in reaching the cars of the Market Street Railway Company, and the evidence would tend to indicate that such is the case.

An inspection of Exhibit No. 6 shows that a crossing at Park Avenue would shorten the distance to a car stop from at least 80% of the residences in the district, whereas one at Morrell Avenue would accommodate not over 50%. Furthermore, to only a relatively small number of inhabitants would the crossing proposed at Morrell Avenue prove more convenient than one at Park Avenue. It further appears that in order to reach the street railway station, a crossing over the tracks of the Market Street Railway Company is not necessary, and it is suggested that if a crossing were constructed along the northerly line of Park Avenue extended across the right-of-way of the Southern Pacific Company, a foot path could be opened through the grove of trees on city property for a distance of about one hundred and fifty feet to a point opposite the Burlingame Terrace stop. An easement across the Southern Pacific Company's detached right-of-way would then be required to reach the platform of the Market Street Railway Company.

Based on the above facts, we find that there is sufficient public necessity to warrant the construction of a public pedestrian

crossing over the main line of Southern Pacific Company in this vicinity and that this crossing should be constructed opposite the northerly line of Park Avenue. An order will be entered accordingly.

O R D E R

The Board of Trustees of the City of Burlingame having made application to the Commission to construct a pedestrian crossing at grade across the tracks of the Southern Pacific Company and the Market Street Railway Company at Morrell Avenue, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision; therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Trustees of the City of Burlingame, County of San Mateo, State of California, to construct a pedestrian path at grade across the tracks of Southern Pacific Company at approximately Engineers Station 508+40 on the center line of said company's eastbound main line track, said crossing being further described as that required by the prolongation of the northerly sidewalk of Park Avenue, in said City of Burlingame, southwesterly across the right-of-way of said Southern Pacific Company, as shown on the map attached to the application.

The above crossing shall be identified as Crossing No. EM-15.8.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) 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 (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No

portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not greater than ten (10) feet and at an angle of seventy (70) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of pedestrians.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that that portion of the application, which concerns a public crossing at grade over the tracks of Market Street Railway Company, be and it is hereby denied.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13th day of

April, 1928.

Leon A. Whitehall
Chairman

John D. Lott

M. A. Ciss

Commissioners.