

Decision No. 21940.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of the City of San Mateo for order authorizing for Bell Street a grade crossing over the Southern Pacific Railroad Company's right-of-way and Railroad Tracks.

Application No. 16169.

Mr. Franklin Swart, District Attorney, for the County of San Mateo.

Mr. F. E. Hoffman, Assistant City Attorney, for the City of San Mateo.

Mr. A. G. Goodrick and Mr. H. W. Hobbs, for Southern Pacific Company.

Thos. F. Bell, John J. Bell and Thelan & Marrin, by Paul S. Marrin, for Bell Brothers.

Mr. Oliver Dibble, for Curtiss-Wright Airport Company.

Mr. Norman Larson, for California Air Terminals, Ltd.

DECOTO, COMMISSIONER:

O P I N I O N

This is an application filed by the City of San Mateo for authority to extend Bell Street at grade across the main line tracks of Southern Pacific Company in the southerly portion of the City of San Mateo.

A public hearing was held in this proceeding at San Francisco, at which time it was stipulated by all parties that the record in Application No. 15954 be considered in evidence in this proceeding in so far as relevant.

The district in the vicinity of the proposed crossing has recently been annexed to the City of San Mateo. Application No. 15954 was filed by the County of San Mateo seeking a crossing over the tracks at Bell Street previous to the time this section was annexed to the City of San Mateo.

The purpose of the crossing is to furnish access to the flying field now under construction by the Curtiss Airport, Incorporated. This company, through its subsidiary, California Air Terminals Company, Ltd., has recently purchased a large tract of land lying between the Southern Pacific right-of-way and the Bayshore Highway and south of Lily Avenue, San Mateo, and now proposes to construct thereon a large and first-class airport and flying school. According to plans shown on Exhibit No. 3, the administration buildings are to be located on the west side of the field adjacent to the railroad, opposite Bell Street and about midway between the north and south property lines, with the principal vehicular entrance to the field at Bell Street, which would afford a connection to the El Camino Real highway.

At the present time the airport property is reached by a private crossing over the right-of-way and tracks of Southern Pacific Company. This crossing, it appears, was constructed many years ago under a provision in the original right-of-way deed. It is located about 400 feet northwesterly from the crossing proposed in this application at Bell Street and, in its present condition, presents considerable hazard to the persons using it. All interested parties have agreed that if the proposed crossing is to be opened to traffic, this existing crossing will no longer be necessary and should be closed.

The record also shows that the original railroad right-of-way grant provided for other crossings in this vicinity, which are not now in use, and, with the construction of a crossing at

Bell Street, will not be needed in the future. It was stipulated by the property owners, Bell Brothers and California Air Terminals Company, Ltd., that if this application is granted, all these reservations will be cancelled.

The proposed crossing involves a high-speed double-track line of the Southern Pacific Company, carrying some 70 steam passenger trains per day and approximately 25 freight movements. It is apparent that crossings over such an important railroad should be restricted to a minimum consistent with public needs and any new crossing over these tracks should be adequately protected.

After carefully considering the record in this proceeding, it appears that this comparatively large enterprise should have a suitable access to public highways. While the property can be reached from the new Bayshore Highway, the evidence shows that the practical way of developing this field as an airport, when consideration is given to prevailing winds, is to have the vehicular entrance from the westerly side of the field, in accordance with the plan shown on Exhibit No. 3 in this proceeding. I therefore recommend that the application be granted, with the provision that both the Curtiss interests and the Bell Brothers, who own the subdivision on the westerly side of the railroad track in the vicinity of the proposed crossing, convey to Southern Pacific Company, in accordance with their agreement, any property right which they may have to the existing crossing, located some 400 feet to the north of the proposed crossing at Bell Street, and any other crossing easements over the railroad attached to this property; that the City of San Mateo legally abandon any rights which the public may have acquired over this crossing; and that the crossing be effectively closed upon the opening of a public crossing over the tracks at Bell Street, as proposed herein.

The following form of order is recommended:

O R D E R

Public hearing having been held in the above entitled proceeding, the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the City of San Mateo be and it is hereby authorized to construct Bell Street at grade across the tracks of Southern Pacific Company, as applied for herein and as shown on Exhibit No. 3 in this proceeding.

The above crossing shall be identified as Crossing No. E-19.7.

This 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) This crossing shall be constructed equal or superior to Standard No. 3, in this Commission's General Order No. 72, and of a width of not less than twenty-five (25) feet, with tops of rails flush with the roadway and with grades of approach not exceeding four (4) per cent. The crossing shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) The crossing shall be protected by two Standard No. 3 wig-wags, equipped with 2-train indicators. The initial expense of providing this protection shall be borne by applicant and their maintenance thereafter shall be borne by Southern Pacific Company.

(4) Before the commencement of construction of the crossing herein authorized, the City of San Mateo shall take the necessary steps to legally abandon and effectively close the existing crossing, located some 400 feet to the north of Bell Street, and shall effectively close said crossing upon the opening of the crossing herein authorized.

(5) In accordance with the foregoing opinion, the property owners having any crossing agreements over Southern Pacific Company's track, between Lily Street on the north and Broadway on the south, shall cancel said crossing agreements within sixty (60) days of the date of this order and so notify this Commission.

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

(7) 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.

(8) 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.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 23rd day of December, 1929.

Frank S. ...

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Leon ...

M. A. ...

Commissioners.