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Decision No. 22688

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CITY OF SOUTH SAN FRANCISCO,
a municipal corporation,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,
a corporation, and SOUTH SAN
FRANCISCO RAILROAD and POWER COMPANY,
a corporation,

Defendants.

ORIGINAL

Case No. 2829

J. W. Coleberd, City Attorney, for Complainant.

K. W. Hobbs, for Southern Pacific Company,
Defendant.

I. R. Dains, for South San Francisco Railroad
and Power Company, Defendant.

BY THE COMMISSION -

O P I N I O N

City of South San Francisco, a municipal corporation, has filed complaint against Southern Pacific Company, a corporation, and South San Francisco Railroad and Power Company, a corporation, alleging that the paved area at the crossing of Grand Avenue with the tracks of the Southern Pacific Company in the City of South San Francisco is inadequate for the requirements of highway travel on said Grand Avenue, a portion of said crossing being impassable for highway traffic by reason of the lack of paving across the tracks of Southern Pacific Company and by the existence of a track crossing of the street railroad of the South San Francisco Railroad and Power Company with the tracks of Southern Pacific Company.

Complainant prays for an order of the Railroad Commission requiring the relocation of the tracks of the South San Francisco Railroad and Power Company in such manner that the intersection thereof with the Southern Pacific tracks will not interfere with highway travel at the Grand Avenue crossing and for the paving of the unpaved portions of such crossing.

Defendants filed their respective answers to the complaint, such answers being general denials as regards the material allegations of the complaint.

A public hearing on this complaint was conducted by Examiner Handford at San Francisco, the matter was duly submitted and is now ready for decision.

Grand Avenue is the main business street of South San Francisco, extending in an easterly and westerly direction across the city to the Southern Pacific Company tracks. Beyond Southern Pacific Company tracks an extension of Grand Avenue, known as Swift Avenue, extends easterly through the Industrial District toward San Francisco Bay. At the point of crossing with Southern Pacific Company tracks, the single track street car line of South San Francisco Railroad and Power Company, operated by Market Street Railway, is located in this thoroughfare and crosses the two main lines and five sidings of the Southern Pacific Company within the limits of the highway crossing but outside of the paved portion.

West of the railroad Grand Avenue is paved for a width of approximately 80 feet up to the first or more westerly of the group of tracks adjacent to the main line. On the easterly side of the railroad, Swift Avenue is paved to a width of approximately 65 feet from the most easterly side track, thence easterly for a distance of about 100 feet through the intersection with Industrial Way, which is a street parallel with the railroad, and then continues on easterly with a 25-foot

pavement on the northerly side of the street railway tracks. That section of the thoroughfare, however, which crosses the tracks of the Southern Pacific Company is improved to a width of but 20 feet, this paved strip lying entirely on the northerly side of the street railroad tracks. The result is that while Grand Avenue and Swift Avenue are paved for practically the full width of the street on each side of Southern Pacific tracks, the portion of the thoroughfare within the track area, with the exception of this 20-foot strip, is unpaved and there is considerable hazard of vehicles using the streets and driving into the open track areas. While the Commission has no record of such accidents where a collision with a train did not result, there have been three occasions during the past four years on which vehicles that had thus driven into the open track were unable to escape before being struck by a train. In view of the existence of this hazard and the inconvenience which the narrow crossing occasions, it is apparent that steps should be taken to widen the crossing .

In its complaint, the City of South San Francisco proposes a pavement from the northerly rail of the Market Street Railway track to the northerly line of the pavement in Grand Avenue and that the street railway track be planked between rails to prevent vehicles from being caught in the crossing frogs. This would result in pavement approximately 53 feet in width. Southern Pacific Company objected to this solution, however, because of the fact that the necessary maintenance of the crossing frogs would require that the plank paving be frequently removed at considerable expense. This company proposed that the planking in the street railway tracks be omitted and that a curb be constructed in Grand Avenue west of the railroad in such a manner as to divert easterly travel

away from the open track to the paved crossing. Another solution, proposed by the Commission's engineer, was that two traffic lines be established across Southern Pacific Company tracks, leaving the area occupied by the street railway track unpaved.

In view of the fact that the City of South San Francisco considered that traffic conditions warranted a substantial expenditure on the part of the city by paving Swift Avenue and Grand Avenue to practically the full width of the right-of-way on each side of Southern Pacific tracks, it appears reasonable to require that a crossing be constructed to practically the same width. The maintenance of the track crossing frogs possibly prevents paving the entire area but it is our opinion that an order should be entered requiring that the crossing be improved by constructing a pavement to the full width of the portions of Grand and Swift Avenues as now paved, excepting that portion of the crossing which lies within five feet from the center line of the street railway tracks.

It is further the opinion of the Commission that there is an obligation on the part of Southern Pacific Company to maintain a safe and convenient crossing of its tracks and that the entire expense of improving this crossing be borne by that Company. The proposed improvement will require certain changes to the crossing gate protection now provided by Southern Pacific Company and this decision may also be construed as authorizing such necessary changes. It appears that this crossing can be adequately protected by one gate on each side of the crossing and permission should also be given to authorize the removal of the left hand gates.

O R D E R

The City of South San Francisco having filed the above entitled complaint requesting that the Commission make its order requiring defendant corporations, Southern Pacific Company

and South San Francisco Railroad and Power Company, to improve the crossing of Grand Avenue with the tracks of the Southern Pacific Company in the City of South San Francisco, County of San Mateo, defendants having duly filed their answers, a public hearing having been held, the matter having been duly submitted and the Commission being now fully apprised of the facts,

IT IS HEREBY ORDERED that defendant Southern Pacific Company be and it hereby is directed to improve the crossing of Grand Avenue in the City of South San Francisco with the tracks of Southern Pacific Company by constructing a crossing substantially in accordance with Standard No.3, as specified in this Commission's General Order No.72 within the limits of Grand Avenue between lines connecting the outer edges of the improved portion of Grand Avenue west of the most westerly siding and the improved portion of Swift Avenue east of the most easterly siding, excepting that portion of the above described area which lies within lines five feet each side of the center line of the track of South San Francisco Railroad and Power Company. The entire expense of improving this crossing, including such changes to the existing crossing gate protection as may be required, shall be borne by defendant, Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to remove and thereafter dispense with the operation of the left hand gate on the easterly side of the crossing and to make such change in the location of the remaining gates as may be necessary.

IT IS HEREBY FURTHER ORDERED that this complaint, insofar as it refers to defendant South San Francisco Railroad and Power Company, be and it is hereby dismissed.

The Commission reserves the right to make such further orders in relation to this crossing as to it may seem right and necessary.

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

Dated at San Francisco, California, this 3rd day of July, 1930.

W. C. Sawyer
W. C. Sawyer
Leon A. Whittell
W. C. Sawyer

COMMISSIONERS.