

Decision No. 24377.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of  
the City of Burlingame, for an Order  
of the Railroad Commission of the  
State of California installing gates  
at the railroad crossings in the City  
of Burlingame not now provided with  
gates.

Application No. 17832.

**ORIGINAL**

BY THE COMMISSION:

O R D E R

In the above entitled application, the City of Burlingame seeks an order directing the installation and maintenance of gates for the protection of four grade crossings in the City of Burlingame, where the following streets cross the main line tracks of Southern Pacific Company; Broadway, Oak Grove Avenue, Bayswater Avenue and Peninsula Avenue.

The Commission's files show that the City of Burlingame filed a similar application on November 15th, 1930 (which was amended on December 12th, 1930), and that, after a public hearing, an order was issued on January 26th, 1931, by the Commission's Decision No. 23512. The Order of that decision provided for two alternate plans of procedure. Section A of the Order directed the company to provide yielding automatic gates at three of the four crossings involved in the instant proceeding, namely, Broadway, Bayswater Avenue and Peninsula Avenue. The expense of providing such gate protection was divided between the railroad and the city upon the following basis; the railroad to bear an expense equivalent to the estimated cost of providing a standard type of automatic protection, i.e., two wigwags with two-train indicators, and the city the remainder. Under this plan, the

City of Burlingame was directed to make available to Southern Pacific Company, or enter into a satisfactory agreement to cover, its share of the cost of providing gate protection, within thirty (30) days from the date of the Order.

Section B of that Order provided that if the City of Burlingame had not contributed its portion of the expense, as assessed in the Order, within the time limit allowed, the company would be directed to install, at its sole expense, automatic signals of a type to be approved by the Commission, at the Bayswater Avenue and Peninsula Avenue crossings; the Broadway crossing was then protected by two wigwags with two-train indicators.

As for the Oak Grove Avenue crossing, the Commission stated in the Opinion (of its Decision No. 23312) that, in view of the fact that modern type signals with two-train indicators recently had been installed at this crossing, at the sole expense of the railroad and with the city's consent, no change would be required in the protection at this crossing.

The file shows that the City of Burlingame, on February 16th, 1931, advised the Commission, in effect, that, after closer analysis it had elected to rely upon the protection provided in Section B of the Commission's Order in said Decision No. 23312, referred to above; thereupon, the company, at a considerable expense, installed modern crossing signals with two-train indicators at the Bayswater Avenue and Peninsula Avenue crossings in compliance with said Order.

In the past proceedings the City of Burlingame has urged the installation of automatic gate protection at the four crossings involved herein and, as there is nothing in the instant application to indicate otherwise, it is assumed that this type of protection is the one the city now desires.

In the instant application there is nothing to show that conditions have changed subsequent to the time of the hearing on Application No. 17013, filed slightly less than one year prior to the filing of the application now under consideration, nor are there any allegations that would appear to support the conclusion that any good cause would be served by another hearing on this same subject within such a short time.

The Commission still is of the opinion that the City of Burlingame should be afforded the opportunity of having automatic gate protection at the crossings in question if it is willing to assume the added expense of providing such type of protection. The Order, therefore, will provide that the city will be afforded four (4) months' time in which to exercise this option and to arrange for the financing of the gate protection if it elects to carry out this plan.

Good Cause Appearing,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby directed to provide automatic gate protection at the following grade crossings with its main line tracks in the City of Burlingame:

<u>Crossing No.</u>	<u>Street</u>
E-15.2	Broadway
E-15.9	Oak Grove Avenue
E-16.5	Bayswater Avenue
E-16.6	Peninsula Avenue

subject, however, to the following conditions:

- (1) The entire added expense of providing said automatic gate protection at each of said crossings shall be borne by the City of Burlingame. All equipment and materials now employed as part of said automatic protective device at any or all of these crossings, which will serve as part of the equipment for the automatic gate type of protection, shall remain in service at no expense to the city other than any labor expense incurred in making the necessary physical changes.

- (2) The expense of maintenance of said automatic crossing gates shall be borne by Southern Pacific Company.
- (3) The City of Burlingame shall, within four (4) months from the date of this Order, make available to Southern Pacific Company the estimated cost of converting the present type of automatic signals to the automatic gate type.
- (4) Southern Pacific Company shall, within sixty (60) days from the time the City of Burlingame advances its money, begin the construction of automatic crossing gates at the respective crossings where the city has complied with its financial obligation as provided for herein.
- (5) Before actual construction is commenced, Southern Pacific Company shall file with the Commission, for its approval, a set of plans, showing how it is proposed to install said automatic gates.
- (6) Upon receiving the approval of the plans, Southern Pacific Company shall proceed forthwith in the construction of said automatic gates and pursue the work in a diligent manner to its completion.
- (7) Upon the completion of the work undertaken, the company shall file with the city and the Commission an itemized statement showing the expenditures incurred in providing said automatic gate protection at each of the said crossings and shall at that time adjust with the city the account so that the city pays the actual cost of construction and not the estimated cost.
- (8) In the event the City of Burlingame does not meet its financial obligations as provided above, within the time limit allowed, and unless, by subsequent order, the Commission grants an extension of time, this order will become null and void and of no further effect.
- (9) The Commission reserves the right to make such further orders in this matter as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective twenty days from and after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of January, 1932.

Cl. Stearns  
Leon Whidley  
W. J. Lee  
W. B. Rogers  
Fred G. Stewart  
 Commissioners.