

Decision No. 24521.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 The People of the State of California,
 on relation of the Department of Public
 Works, for an order authorizing the con-
 struction of a state highway crossing
 at grade over the tracks of the Southern
 Pacific Company spur on Chestnut Street,
 Redwood City, San Mateo County, California.

Application No. 17877.

Frank B. Durkee, for the Applicant.
 Henry W. Hobbs, for Southern Pacific
 Company.

WEITSELL, COMMISSIONER:

O P I N I O N

In this application the State Department of Public Works requests authority to construct a state highway, known as the Bay Shore Highway, across a spur track of the Southern Pacific Company in Redwood City, San Mateo County, California.

A public hearing was held in San Francisco on February 8, 1932.

The Bay Shore Highway is a major highway which is now being constructed between San Francisco and San Jose, following in a general way the westerly shore line of the San Francisco Bay. The road has been constructed and is open to traffic from San Francisco to a point in Redwood City about one-half mile west of the crossing involved in this application. A contract has been let for the construction of the road from Redwood City to

Palo Alto and it is necessary to construct a crossing with an existing spur track of the Southern Pacific Company, known as the Chestnut Street Spur, which serves the plant of the Pacific Coast Cement Company and other industries along the shore of the Bay.

The plans for the proposed highway consist of a graded roadbed sixty feet in width, on which there is to be placed a cement concrete pavement forty feet in width with a ten foot oiled rock shoulder on each side.

The Southern Pacific Company does not oppose the application for the crossing at grade but takes the position that the State should bear the entire cost of constructing this crossing and install the protection. Southern Pacific Company also requests that if authority for a grade crossing is granted it be on the condition that if and when it is necessary to make a separation of grades at this crossing the apportionment of the cost be made on the same basis as if it were the construction of a new highway across an existing railroad.

The Division of Highways has replied that it can see no objection to such allocation of costs of a future grade separation and is willing to set forth such terms in an agreement between the railroad and the State, covering the construction of the grade crossing.

It appears from the record that, with the industrial development of the territory between the highway and the Bay Shore, there may some day be a track constructed parallel to and on the Bay Shore side of the highway, connecting with the Dumbarton Line of the Southern Pacific Company. The Western Pacific Railroad Company likewise has a certificate of public

convenience and necessity for a branch line railroad along the bay side of the highway. If this track is constructed, it is possible that access to the industries now served by the Chestnut Spur could be made by this route and the necessity for crossing at grade or otherwise between the Chestnut Street Spur and the Bay Shore Highway obviated.

In view of this possibility and the present infrequent train movements at slow rates of speed over the track involved, it does not appear reasonable to order a grade separation at this time, particularly since the cost of such a structure would be in excess of \$100,000. The grade crossing should, therefore, be authorized.

In regard to the question of apportionment of cost of constructing the grade separation, should such separation ever become necessary, it appears desirable that the parties be required to enter into an agreement covering this allocation of cost and that the order contain a condition to this effect. The following form of order is recommended:

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, having made application for authority to construct a crossing of a state highway at grade with the tracks of the Southern Pacific Company in the vicinity of Chestnut Street, Redwood City, San Mateo County, California, a public hearing having been held and the matter having been submitted and ready for decision,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works,

Division of Highways, are hereby authorized to construct a state highway at grade across a spur track of Southern Pacific Company at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. E-26.9-C.
- (2) 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.
- (3) The crossing shall be constructed of a width of not less than sixty (60) feet and at an angle to the railroad as shown on the map accompanying the application and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Said crossing shall be protected by automatic signals and flood lights, in accordance with a plan to be approved by the Commission, said plan to be presented by applicant. The expense of providing such signals shall be borne by the applicant and the expense of maintaining same shall be borne by Southern Pacific Company, excepting that the cost of the electric current consumed by the flood lights shall be borne by applicant.
- (5) No train, motor, engine or car shall enter upon said crossing at a speed greater than ten (10) miles per hour. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (6) Applicant shall, within sixty (60) days from the date of this order, file with the Commission a certified copy of an agreement between the State and Southern Pacific Company covering the terms of construction of the grade crossing herein authorized and said agreement shall

provide the basis on which the allocation of cost of a grade separation at this point shall be made in the event such grade separation is later constructed.

- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.
- (9) 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, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29th day of February, 1932.

Cl. Looney
Leon Arthur
W. J. Lee
M. B. Harris
Fred G. Stewart
 Commissioners.