

Decision No. 25386.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of the County of San Mateo for permission to continue to maintain Millbrae Avenue as a public highway across the tracks of the Southern Pacific Company and the Southern Pacific Railroad Company at grade, and for approval of the Protective signal devices to be constructed and maintained on said crossing.

**ORIGINAL**

Application No. 18520.

BY THE COMMISSION:

O R D E R

The Board of Supervisors of the County of San Mateo, State of California, on November 12, 1932, filed an application for authority to construct a public road known as Millbrae Avenue at grade across the tracks of Southern Pacific Company, in the vicinity of Millbrae. Reference is made to the Commission's order in its Decision No. 22801, dated August 22, 1930, in Case No. 2834, wherein the Commission instituted an investigation on its own motion to determine what protection should be provided at this crossing if it were to remain open to the public. At the hearing it developed that the county took the position that this was a public crossing and it was the duty of the railroad to provide protection at its own expense. On the other hand, the railroad contended that this was not a public crossing but that the county was attempting to convert a private crossing into a public one without the Commission's consent and that the county should make application to the Commission for a public crossing before the crossing was open to the general

public. In the order the Commission directed the Southern Pacific Company to provide human flagman protection between the hours of 6:00 A.M. and 10:00 P.M., until said crossing had been effectively closed to public use and travel, or until such time as said crossing had been protected by two automatic wigwags equipped with second-train indicators. Following this order the company has maintained a human flagman at this crossing in conformity with the above requirements.

It now appears that Southern Pacific Company and the County of San Mateo are in agreement as to the necessary easement and the division of cost of constructing and protecting said crossing. From the information now before us, including the file in Case No. 2834, it is concluded that public convenience and necessity justify the granting of this application, subject to certain conditions, therefore,

IT IS HEREBY ORDERED that the Board of Supervisors of the County of San Mateo, State of California, is hereby authorized to construct Millbrae Avenue at grade across the tracks of Southern Pacific Company, at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. E-13.7.
- (2) The expense of constructing, protecting and maintaining the crossing shall be borne in accordance with an agreement to be entered into between applicant and Southern Pacific Company, a copy of which shall be filed with the Commission before said crossing is constructed.

- (3) The crossing shall be constructed of a width of not less than forty (40) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72 and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) The crossing shall be protected by two (2) automatic signals of a type to be approved by the Commission. Said automatic signals shall be equipped with second-train indicators.
- (5) 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.
- (6) 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.
- (7) 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 21st day of November, 1932.

C. L. Searcy  
Leon A. Whittell  
W. A. Lewis  
W. B. Harris  
Fred G. Westcott  
 Commissioners.