

Decision No. 10977

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

TOWN OF CORTE MADERA,

Complainant,

-VS-

NORTHWESTERN PACIFIC RAILROAD
COMPANY, a corporation,

Defendant.

Case No. 1709.

Town of Corte Madera, Marin County, Cal.
and its Attorney,

John J. Mazza, 15 Columbus Ave.,
San Francisco, California,

Northwestern Pacific Railroad Co.,
64 Pine St., San Francisco, California,
and its Attorney,

Stanley Moore, Insurance Exchange Bldg.,
San Francisco, California.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Town of Corte Madera has complained of the alleged dangerous conditions existing at two grade crossings at First Street and Redwood Avenue, respectively, over the tracks of the Northwestern Pacific Railroad Company, and asks that automatic warning signals be installed by the railroad company at these crossings. An answer was filed and a public hearing held before Examiner Gordon on April 12, 1922, at Corte Madera.

The Town of Corte Madera, a suburban community, with a population of approximately 650 people, is situated on the Northwestern Pacific Railroad at the base of Mt. Tamalpais, 12.6 miles

from San Francisco. The railroad passes through the town in a northerly and southerly direction, and is crossed by First Street and Redwood Avenue, both of which connect with the State Highway, located approximately 200 feet west of the railroad and at a slightly higher elevation. The railroad station is also on the westerly side of the track and between the two streets, which are approximately 350 feet apart. The principal stores and places of business of the community are located on the easterly side of the track on Railroad Avenue, a thoroughfare which is adjacent and parallel to the railroad right of way.

First Street, the more southerly of the two in question, crosses the track at an angle of about sixty degrees. It is in a poor state of repair on each side of the crossing and is little used on account of its steep grades at that point. The approach to the track from the east is on a 15 per cent grade and the ascent from the track westerly is at a 10 per cent grade. The testimony shows that because of the steep grade of the street, automobiles approaching the track from the east are required to shift to a lower gear immediately before reaching the railroad and frequently become stalled on the tracks at the point of crossing. The view of trains approaching from the south is almost totally obstructed due to the fact that the track at this point is on a curve around a hill.

In view of these circumstances, we are of the opinion that this crossing is a particularly dangerous one and cannot be adequately protected by a warning signal device. The only proper remedy for such a condition is either a separation of grades or an abolition of the crossing. In this instance a separation of grades is not warranted by reason of the great expense involved. On the other hand, if this crossing is abolished, no serious public

inconvenience will result, as nearly all the traffic at present moves over the Redwood crossing, and the few residents at present living on First Street, between the railroad and the highway, will not be required to travel more than 400 feet further to use the Redwood Avenue crossing rather than the route now available over First Street, in order to get to the stores on the east side of the track.

Redwood Avenue, the more northerly of the two streets in question, carries the bulk of the traffic across the tracks at Corte Madera. It is in good repair, crosses the tracks at approximately right angles with an approach from the east on a grade of 11 per cent and an ascent from the track to the west of 6 per cent. The view of trains by vehicles approaching this crossing from the east is practically unobstructed, except at such times as cars may be standing on a spur track located north of the crossing. From the westerly side, there is a reasonably clear view to the south for a distance of approximately 700 feet. The view to the north, however, is quite seriously obstructed, both by buildings located on private property and by an embankment along the west side of the track six feet or more in height. Traffic counts taken a short time before the hearing and submitted in evidence show that Redwood Avenue is a relatively important crossing. This is further borne out by the fact that the nearest crossing north thereof is an overhead crossing, approximately 1,000 feet distant, while to the south, the nearest crossing other than First Street, is about $2\frac{1}{2}$ miles away and on the other side of an intervening hill.

Further evidence of the dangerous condition of both crossings in question is shown by the number of trains passing through Corte Madera daily. The railroad company at the present time operates 92 electric passenger trains, 16 steam passenger trains

and 4 freight trains per day over this track. Of this number, approximately 10 per cent stop at Corte Madera. According to the testimony, the speed of the trains which do not stop varies from 20 miles to 40 miles per hour at these crossings. Evidence was also introduced showing that serious accidents have occurred in the past at both crossings.

After careful consideration of all the evidence submitted, the Commission hereby makes its findings of fact as follows:

1. The existing crossing of First Street over the tracks of the Northwestern Pacific Railroad in the Town of Corte Madera is dangerous to the traveling public using such crossing, and it is in the interest of the public welfare and safety that said crossing be abolished.

2. The existing grade crossing of Redwood Avenue over the tracks of the Northwestern Pacific Railroad in the Town of Corte Madera is dangerous to the traveling public using said crossing, and it is necessary, in order to promote and safeguard the safety and welfare of the public and of the employes and passengers of said railroad, to install and maintain at said crossing an automatic wigwag warning signal device.

O R D E R

Basing its order upon the foregoing findings and other statements of fact contained in the opinion preceding this order,

IT IS HEREBY ORDERED, that the crossing of First Street over the tracks of the Northwestern Pacific Railroad Company in the Town of Corte Madera, Marin County, California, be, and the same is, hereby abolished, and the Northwestern Pacific Railroad Company shall, within sixty (60) days from the effective date of this order effectively close said crossing to public use and travel.

IT IS HEREBY FURTHER ORDERED, that the Northwestern Pacific Railroad Company, at its sole expense, shall, within sixty (60) days from the effective date of this order, install and thereafter maintain at the crossing of Redwood Avenue over its tracks in the

Town of Corte Madera, Marin County, California, an automatic flagman, said automatic flagman to be of a type, and installed in accordance with plans or data, approved by the Commission, and shall notify this Commission, in writing, of the installation of said warning signal within thirty (30) days after such installation is completed.

Dated at San Francisco, California, this 9th day of September, 1922.

W. B. Brundage
James Martin
Charles A. Gurnea
J. P. Brundage

Commissioners.