

Decision No. _____.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 2016

In the matter of the application of)
the Council of the City of Richmond,)
State of California, for an order)
permitting the construction and main-)
tenance of a grade crossing across the) Application No. 1347.
tracks and right of way of the Southern)
Pacific Company on Bissell Avenue, in)
the City of Richmond.)
.....)

D. J. Hall, for City of Richmond,
Geo. D. Squires, for Southern Pacific Company.

GORDON, Commissioner.

O P I N I O N

In this application, which was filed on September 25, 1914, the City of Richmond desires an order by this Commission permitting the installation of a grade crossing on Bissell Avenue, in said city, across the main line of the Southern Pacific Company. It is stated that public interest and convenience require this grade crossing. The City was unable to secure an easement for this crossing from the Southern Pacific Company, this company objecting to the opening of a grade crossing at this point, and the application was therefore set down for a hearing. This hearing was held in Richmond on December 16, 1914, the City of Richmond and the Southern Pacific Company were represented by counsel, testimony was taken, and the matter is now ready for decision.

Bissell Avenue lies only one (1) block south of Macdonald Avenue, which latter street is the main thoroughfare of the City of Richmond and is a continuous road from Point Richmond to Oakland.

In an easterly direction Bissell Avenue extends only two and one-half (2½) blocks beyond the tracks of the Southern Pacific Company's main line and ends in Twenty-third Street, while westerly from the railroad it extends for about one (1) mile and abuts, without an outlet, against the reservation of The Atchison, Topeka & Santa Fe Railway Company. Another street, namely, Chanslor Avenue, is open one (1) block south of Bissell Avenue across the Southern Pacific Company's tracks, so that within a distance of approximately fifteen hundred (1500) feet there are two (2) open thoroughfares across this four-track main line; one street crossing by means of a subway and the other at grade. I cannot agree, therefore, that there is any great need, from the point of view of necessity or convenience, for this crossing. The additional danger and hazard to pedestrians and vehicles would not, in my opinion, be outweighed by the advantages this crossing would offer.

There also exists at present a well paved street paralleling the permanent way of the Southern Pacific Company on the westerly side and connecting the present undergrade crossing at Macdonald Avenue with the existing grade crossing at Chanslor Avenue; and there is another street paralleling the railway on the easterly side connecting Bissell Avenue with Chanslor Avenue.

The main current of traffic at this point is between Richmond and Oakland, and a crossing at Bissell Avenue would not in any material way facilitate this traffic.

The Southern Pacific Company operates here over four (4) main line tracks, two (2) of these being passenger tracks and two (2) freight tracks, and fifty-three (53) regular schedule trains per day, viz., forty-six (46) passenger and seven (7) freight trains pass here. The Southern Pacific Company's main

line, furthermore, is on a curve through this locality, which is an additional reason, from a railroad operating standpoint, against the granting of this application.

It developed at the hearing that the principal necessity is not the establishment of an additional opening across the railway company's tracks, but the improvement of the existing subway at Macdonald Avenue. The latter undoubtedly is inadequate and will sooner or later have to be reconstructed and enlarged. To make an attempt at remedying the existing conditions by the establishment of a very dangerous new grade crossing, in my opinion, is a move entirely in the wrong direction. The Commission's consistent policy must be not to introduce new death-traps but to eliminate as many of the existing ones as may be possible. As in numerous other cases of this kind the theory was advanced by one witness that a multiplication of grade crossings would, so to speak, tend to dilute the danger and hazard to persons and vehicles using such crossings. It is maintained, therefore, that a situation where one hundred people use one grade crossing per day is more dangerous than if these one hundred people were distributed over ten grade crossings. This theory is wrong in principle and is not borne out by the facts, and there is no doubt in my mind that every additional grade crossing constitutes an additional danger to human life.

The Commission has held repeatedly that it will grant permission for new grade crossings only when it is clearly shown that a real need for such a crossing exists. In all cases this need must be weighed against the additional danger and hazard that will be created by the new crossing; and it is my opinion that in this case an absolute necessity for this crossing does not exist.

I recommend to the City of Richmond that it secure the desired relief, not by establishing new crossings at grade in this

neighborhood, but by working out plans for making the Macdonald Avenue subway adequate and safe. I am of the opinion that such plans can be perfected, and the Commission will be glad to be of such assistance as it may in this matter.

I recommend the following order.

O R D E R

CITY OF RICHMOND, having made application to the Commission for permission to construct and maintain a grade crossing across the tracks and right of way of the Southern Pacific Company on Bissell Avenue, in the City of Richmond, ~~Alameda~~ ^{Contra Costa} County, California, said crossing being shown on the map accompanying the application; and a public hearing having been held and testimony having been taken; and it appearing to the Commission that said application should not be granted;

IT IS HEREBY ORDERED, That said application be, and the same is, hereby denied without prejudice.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco., California, this 21st day of December, 1914.

H. H. Howard
Arthur J. Smith
Edwin O. Edgerton

Commissioners.