

Decision No. ✓.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 2873

In the matter of the application
of the Council of the City of
Richmond for permission to con-
struct Third, Fifth and Eighth
Streets at grade across the tracks
of The Atchison, Topeka and Santa
Fe Railway Company, in the City
of Richmond, Contra Costa County,
California.
.....

ORIGINAL

Application No. 1810.

D. J. Hall, for applicant

Platt Kent and J. W. Walker, for The Atchison,
Topeka and Santa Fe Railway Company.

GORDON, Commissioner.

O P I N I O N.

In this application the City of Richmond asks permission to open Third, Fifth and Eighth Streets across the track of the branch line of The Atchison, Topeka and Santa Fe Railway Company connecting Oakland with the main line of the Valley Division at Richmond.

The track in the portion of the city where these crossings are sought runs in an east and west direction and parallels Ohio Street, which is about 150 feet south of the center of the track. The streets denominated by numbers are north and south streets and all of them from First to Tenth, inclusive, have been laid out north of the track to the right-of-way line and on the south to a tier of lots which lies between Ohio Street and the railroad right-of-way. The sub-divisions north and south of the track were made without regard to one another, and although the blocks are uniformly 225 feet in width the streets are not in the same line and are 60 feet in width south of the track and 50 feet wide north of it. At the present time, in this district from First to Tenth Streets about one-half mile in length, there are three streets opened, namely, Second, Sixth and Tenth.

It is now proposed to open the three streets applied for in this application. The City has already secured the lots

necessary for them in the block between Ohio and the railroad right-of-way, and has paid therefor about \$5,800.00. The property for the crossing at Third Street was acquired before the present Public Utilities Act was in force but the purchase of lots for the other two crossings was made subsequent to the effective date of that Act, although no proceedings had at that time been started before this Commission looking to the opening of the crossings.

The Santa Fe opposed the granting of this application. At the hearing held in this matter the representatives of that Company took the position that the crossings now open amply serve the needs of the public and while these proposed crossings might add something to the convenience of the people of Richmond, they were by no means necessary and that the added convenience following their construction would not over balance the hazard to be incurred in opening three additional crossings over a track which carries 24 scheduled and several extra trains per day.

The main business section of Richmond is several blocks north of the track between 1st and 10th streets. The territory south of the track is almost exclusively a residence district, and it is not well built up. No statistics were offered by either the applicant or the Santa Fe to show the amount of traffic which now crosses daily from one side of the track to the other, in this vicinity, but I am satisfied from my own observations on the ground, and from the testimony of witnesses at the hearing, that it does not justify six crossings within a distance of 2600 feet. At the same time I believe that the streets now open are not sufficient to serve the public as conveniently as it may reasonably expect to be served.

It was testified by one witness that if Third Street were opened it would become one of the most important of these cross streets and I believe if the city desires this crossing sufficiently to close Second Street permission should be granted them to open it across the track. I believe further that between Third and Tenth Streets it is

reasonable that the city should be permitted to have two crossings not including Third Street or Tenth Street.

Sixth Street, although now open, is not a legal highway, and the city neither owns the lots between Ohio Street and the railroad right-of-way nor has an easement over the track. On account of the fact that this street is partially occupied by a street car track and that a building more or less obscures the view of it from the north it forms a dangerous crossing which could very well be closed. With this street closed and Fifth and Eighth Streets opened this territory between First and Tenth Streets would have four open crossings so located that public convenience would, in my opinion, be served by them for several years to come in spite of the growth and development which are taking place in the City.

If the City decides to open the streets applied for, under the conditions I have outlined, the dangerous offsets, occasioned by the failure of those who subdivided this district to make the streets north of the track in the same line with the streets south of the track, should be avoided by uniting the streets over the track and over the lots between Ohio and the track by a curved roadway constructed about as shown on the map filed with the Commission by the City after the hearing had been held. It will probably not be difficult to do this as the adjacent lots are not occupied, and the property owned by the city can be traded for such other property as is needed.

At Fifth and Eighth Streets the proposed crossings are comparatively open and a good view can be obtained of approaching trains, and although it will undoubtedly be but a short time until buildings will be erected at the intersections of the track and the roadway which will obscure the view at these points, no protection is now needed there. At Third Street the building at the southwest corner of the intersection obscures the view of eastbound trains, and I believe if this crossing is opened it should be protected by an

automatic flagman.

I recommend the following form of order:

O R D E R.

CITY OF RICHMOND, Contra Costa County, California,
having on July 31, 1915, applied to the Commission for permission
to construct 3d, 5th and 8th Streets, in that City, at grade
across the track of The Atchison, Topeka and Santa Fe Railway Com-
pany, and a public hearing having been held, and it appearing
that under certain conditions this application should be granted,

IT IS HEREBY ORDERED, That permission be and the same hereby
is granted the City of Richmond, Contra Costa County, California, to
construct Third, Fifth and Eighth Streets at grade over the track
of The Atchison, Topeka and Santa Fe Railway Company, in the City
of Richmond, Contra Costa County, California, subject to the
following conditions and not otherwise, viz.:-

(1) These crossings shall be constructed of a width not
less than twenty-four (24) feet, with grades of approach not ex-
ceeding four (4) per cent; shall be protected by suitable crossing
signs, and shall in every way be made safe and convenient for the
passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing said crossings shall
be borne by applicant.

(3) The expense of maintaining said crossings thereafter to
a point within two (2) feet of the rails of the track shall be
borne by applicant. The expense of maintaining the crossings
thereafter between the rails of the track and to a point two (2)
feet outside thereof shall be borne by The Atchison, Topeka and
Santa Fe Railway Company.

(4) Before Third Street shall be opened the public highway
now open at Second Street over the track of The Atchison, Topeka
and Santa Fe Railway Company shall be legally closed and abandoned
as a public highway crossing.

(5) Before Fifth and Eighth Streets shall be opened, the public highway now open at Sixth Street over the track of The Atchison, Topeka and Santa Fe Railway Company shall be legally closed and abandoned as a public highway crossing.

(6) For the protection of Third Street crossing there shall be installed an automatic flagman of a type approved by the Commission and the cost of furnishing and installing the same shall be borne by applicant. The cost of maintaining this flagman thereafter shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

(7) To avoid the offsets in the streets, which have been previously mentioned, the crossings of these streets when constructed shall be connected over the track and over the tier of lots between Ohio Street and the railroad right-of-way by a curved roadway about as shown on the map filed with the Commission by the City subsequent to the hearing.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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 5th day of November, 1915.

Max Thelen
H. D. Worland
W. Gordon
Edwin O. Edgerton

Commissioners.