

Decision No. 3789

ORIGINAL

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the BOARD OF SUPERVISORS of Contra Costa County for an order granting permission to construct a public railroad crossing across the tracks of the Southern Pacific Company at Bay Point.

Application No. 2474.

In the matter of the application of the BOARD OF SUPERVISORS of Contra Costa County for an order granting permission to construct a public railroad crossing across the tracks of the Oakland, Antioch and Eastern Railway Company at Bay Point, Contra Costa County, California.

Application No. 2480.

In the matter of the application of the BOARD OF SUPERVISORS of Contra Costa County for an order granting permission to construct a public railroad crossing across the tracks of The Atchison, Topeka, and Sante Fe Railway Company at Bay Point.

Application No. 2481.

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T. D. Johnston District Attorney of Contra Costa County for applicant.

George D. Squires for Southern Pacific Company.

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

S. L. Napthaly for Oakland, Antioch and Eastern Railway Company.

GORDON, Commissioner.

O P I N I O N.

In these three applications the County of Contra Costa seeks permission to construct the same public highway at grade across the tracks of the Southern Pacific Company, The Atchison,

Topeka and Sante Fe Railway Company, and the Oakland, Antioch and Eastern Railway in the town of Bay Point. The rights of way of the three companies adjoin each other at the location of the proposed crossings; the distance between the outer tracks of the three railroads is less than 400 feet; and the three crossings applied for are substantially one crossing. The applications were heard together and can be covered in one opinion and order.

The street or highway which the county proposes to extend across the tracks is the principal north and south street in Bay Point. At the site of the proposed crossings the tracks run in a general east and west direction with the four tracks of the Southern Pacific Company to the extreme north, the two tracks of the Oakland, Antioch and Eastern Railway on the south, and the five tracks of The Atchison, Topeka and Sante Fe Railway Company between the tracks of the other two companies. The station building of Sante Fe Railway Company is located east of the proposed street between its own tracks and those of the Oakland, Antioch and Eastern Railway. The Southern Pacific Company's station is west of the proposed street, between its own tracks and those of the Sante Fe.

There is no settlement north of the Southern Pacific Company's tracks. The need for the extension of the street across the tracks has been occasioned by the construction of a county road on the north of the tracks, which has been laid out to connect the highway system of the county with the roads in Bay Point by means of the crossings sought in this application. At the present time this street is open and travelled across the tracks of the Oakland, Antioch and Eastern and the Sante Fe Company, and it is used as a private crossing over the Southern Pacific Company's tracks.

It can be seen from the foregoing description of the situation here that if this street is not opened over the tracks of the Oakland, Antioch and Eastern access can not be secured to the station of the Sante Fe; and if, in addition, it is not opened across the Sante Fe tracks the Southern Pacific Company's station can not be reached by the public. These facts have made it clear to me that these applications should be granted. The crossings are used at the present time, to deny the applications would not serve to close them, and two of them at least can not be closed without great inconvenience to the public.

About one-half mile west of the crossings proposed are two crossings, one Southern Pacific and one Santa Fe, that now take the traffic which will use the proposed crossings. At these points the tracks of the railroad companies are some distance apart, and the crossings of both railroads are badly obscured; in the case of the Santa Fe by a cut, and in the case of the Southern Pacific by buildings at the intersection of the tracks and the road. These obstructions are sufficient to make these two crossings extremely dangerous. The Southern Pacific crossing is now protected by a bell, but no protection exists at the Santa Fe crossing. The county proposes to close these two crossings when the crossings applied for herein are opened, and in my opinion the closing of these crossings and the opening of the crossings sought in this application will be an exchange which will greatly improve the grade crossing situation in this vicinity.

On account of the large number of tracks to be crossed under these applications, some method of crossing, other than at grade, would be exceedingly desirable; but in a flat country with the water level close to the surface, which is the situation here, it is impracticable to construct either a subway or a

viaduct. The best thing to be done is to protect the grade crossings so far as it can be done.

The crossing of the Oakland, Antioch and Eastern Railway is entirely unobstructed. There is a station close to the crossing at which nearly all trains stop, so that crossing is not particularly dangerous. I believe, as far as this road is concerned, that the crossing will be amply safeguarded if all trains, both freight and passenger, will pass over the crossing at a speed not greater than 10 miles per hour.

As far as the other two roads are concerned, it is clear that some other protection is needed. On account of the peculiar situation existing by reason of the tracks of the two companies being so close together, and because most of them are switching tracks, I believe that an automatic flagman protecting the main line of each road, and possibly the most important of the remaining tracks, will afford the best protection for the crossings of these two companies, provided all switching movements over the crossings are made under the protection of a brakeman or other employe of the company acting as a crossing watchman for the time being.

It is usual in cases of this sort for the applicant to stand the expense of installing a new crossing, including the cost of such protective devices as may be ordered. Here the crossings are practically constructed, but the expense necessary to extend them to a proper width and to give them a satisfactory surface should be borne by the county. As far as the protection is concerned the situation is a little unusual, because both the Southern Pacific Company and the Sante Fe Company are having a dangerous crossing closed with the opening of a new one. The crossing of the Sante Fe which is to be

closed is sufficiently dangerous to require protection and it seems to me to be fair to require that company to protect the new crossing at its own expense when the existing crossing is closed. Since the Southern Pacific Company's crossing which is to be abandoned is already protected by a bell, I believe that if that company furnishes an automatic flagman for the new crossing it will have done its part, and the county can very well afford to pay for its installation.

I recommend the following form of order:

O R D E R.

BOARD OF SUPERVISORS, of Contra Costa County, having applied to the Commission for permission to construct a public highway at grade over the tracks of three railway companies, as hereinafter indicated; and a public hearing having been held; and it appearing to the Commission that this application should be granted subject to certain conditions;

IT IS HEREBY ORDERED, That permission be and the same hereby is granted Board of Supervisors of Contra Costa County to construct a public highway at grade across the tracks of the Southern Pacific Company, Oakland, Antioch and Eastern Railway, and The Atchison, Topeka and Santa Fe Railway Company at Bay Point, at the place and in the manner shown by the maps attached to the applications. This permission is granted subject to the following conditions and not otherwise:

(1) The crossings shall be constructed of a width not less than thirty (30) feet, with grades of approach not to exceed three (3) per cent; 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 the crossings shall be borne by the applicant. Each railway company shall thereafter maintain the crossings between the rails of its own tracks and to a distance two (2) feet outside thereof. The expense of maintaining the rest of the crossings shall be borne by applicant.

(3) The existing crossings of The Atchison, Topeka, and Sante Fe Railway Company and of the Southern Pacific Company, approximately one-half mile west of the crossings applied for herein, shall be permanently closed to public travel.

(4) For the protection of the crossing of the Oakland, Antioch and Eastern Railway all trains, both freight and passenger, of that company shall proceed over the crossing at a speed not greater than ten (10) miles per hour, and a standard crossing sign shall be installed at the expense of the applicant.

(5) For the protection of The Atchison, Topeka and Sante Fe Railway Company's crossing, the company shall, at its own expense, install an automatic flagman of a type approved by the Commission; and the expense of maintaining the flagman thereafter shall be borne by that company.

(6) For the protection of the crossing of the Southern Pacific Company, the company shall install an automatic flagman of a type approved by the Commission. The expense of furnishing and maintaining this flagman shall be borne by the Southern Pacific Company, and the expense of its installation shall be borne by the applicant.

(7) All switching movements made over these crossings

shall be made under the protection of a brakeman, or other employe of the railroad company doing the switching, and acting temporarily as a watchman for the crossing.

(8) The Commission reserves the right to make such further orders relative to the location, construction, maintenance, operation, 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 16th day of October, 1916.

Max Thelen

Alex G. Tom

Edwin O. Edgerton

Frazer R. Dyer

Commissioners.