

ORIGINAL

Decision No. 6875.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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 an overhead crossing) Application No. 4446.
 across the railroad tracks of the)
 Atchison, Topeka and Santa Fe Railway)
 Company, at Sixteenth Street in the)
 City of Richmond.)

D. J. Hall, City Attorney for City of Richmond.

J. W. Walker, R. B. Ball and Platt Kent for
United States Railroad Administration -
Atchison, Topeka and Santa Fe Railway
Company.

MARTIN, Commissioner.

O P I N I O N

In this application the City of Richmond seeks an order from the Commission permitting the construction and maintenance of an undergrade highway crossing across the right of way and tracks of the Oakland Branch of the Atchison, Topeka and Santa Fe Railway at Sixteenth Street. This application was heard at Richmond on May 8, 1919, in conjunction with Applications 3781 and 4447. The latter applications deal with the improvement of the Macdonald Avenue subway and the opening of Bissell Avenue at grade across the Southern Pacific Company's tracks. The three matters were heard together, in order that traffic conditions at Richmond could be studied as a whole, but

they can be decided separately on their respective merits.

The City of Richmond is cut up into several sections by the three railroads running through it. These railroads (the Atchison, Topeka and Santa Fe main line, the Atchison, Topeka and Santa Fe Oakland Branch, and the Southern Pacific Company's main line) form a large triangle whose sides surround the principal business district of Richmond. This section is largely cut off from communication with that portion of the city lying to the south of it, by the Santa Fe Oakland Branch, and to the east of it, by the Southern Pacific main line.

There are only five crossings, all at grade, over the Oakland Branch of the Santa Fe in about 8550 feet. There are no crossings between Tenth and Twenty-third Streets, a distance of about 3500 feet. There are only four crossings to the east over the Southern Pacific Lines in a distance of about 4400 feet.

The Santa Fe Oakland Branch runs from east to west through Richmond just north of Ohio Street on a gradually rising fill and crosses over the Southern Pacific Company's lines at Twenty-third Street. At Sixteenth Street, which is about half way between the existing crossings at Tenth and Twenty-third Streets, this fill is approximately 16 feet deep from base of rail. As the distance from base of rail to the bottom of the plate girder flanges is about 2.8 feet, which leaves 13.4 feet clear to a level roadway, it will be an easy matter to depress Sixteenth Street six-tenths of a foot to get the 14-foot clearance required by the Commission's General Order No. 26. The proposed site is in every physical respect admirable for the location of a separation of grades.

The testimony shows that the section of Richmond south of Ohio Street, between Tenth and Twenty-third Streets, has been building up rapidly for the past three or four years. All of the streets from Tenth Street to Twenty-second Street and from Ohio Street to Potrero Avenue are improved. The people living in this section are anxious to have this crossing constructed and are willing to be assessed, to help pay for the same.

The railroad company feels that this section is amply served by the existing grade crossings and contends that, as the main business portion of Richmond lies west of Tenth Street, the Tenth Street crossing amply serves that district. Observation shows, however, that the business district of Richmond is gradually growing east along Macdonald Avenue and investigation shows that there have recently been numerous real estate transfers east of Tenth Street that look to substantial improvements. It is necessary in deciding on the construction of a separation of grades, such as the one applied for in this application, to look not only at the present needs but also into the future, in order that the growth of our cities may be properly supervised. Too often such growth is haphazard and a matter of chance, which finally causes great inconvenience and sometimes large expenditures to rectify the errors which have grown unnoticed. It is undoubtedly true that there is a real need for an additional crossing at Sixteenth Street and it is fortunate that it can so readily be made in the form of a grade separation. This crossing will be a great convenience and benefit to both local and through travel.

As is usual in a matter of this kind, both parties

feel that the other should stand a major portion of the expense. Some contention arose at the hearing over the matter of the title to the land covered by this crossing on the railroad right of way. It would seem that this is a matter for the courts, rather than this Commission, to decide and it would also seem to be the better policy for both parties to devote the costs of settling the matter of title directly to the cost of the structure contemplated. No consideration will therefore be given this angle of the situation in making this decision.

The division of cost in this instance may be taken to hinge on two conditions. Normally, where a separation of grades is applied for and no grade crossing is to be closed in lieu thereof, nor any direct benefit is to be obtained by the railroad company, the cost of such separation is generally paid by the applicant.

Taking into consideration another angle of the present case, which presents a condition where a long railway embankment has been constructed through a city without sufficient openings to take care of the city's growth, it seems reasonable to assess the cost of a grade separation, or at least a major portion of such cost, to the company owning the embankment. Taking all matters into consideration, it appears reasonable to divide the cost of this structure in the usual manner, that is, equally between the City of Richmond and the Atchison, Topeka and Santa Fe Railway Company.

O R D E R

CITY OF RICHMOND, having on March 19, 1919, applied to the Commission for an order permitting the construction

and maintenance of an undergrade crossing across the tracks of the Atchison, Topeka and Santa Fe Railway Company at Sixteenth Street in said city; a public hearing having been held and the Commission being fully apprised in the premises and of the opinion that the application should be granted, subject to certain conditions and that the expense of this construction should be divided between the parties in accordance with the following order;

IT IS HEREBY ORDERED, That the City of Richmond and the Atchison, Topeka and Santa Fe Railway Company be and the same hereby are ordered to construct an undergrade highway crossing at Sixteenth Street, Richmond, at the point and in the manner shown by the maps attached to the application; said construction to be made subject to the following conditions, viz.:

(1) The undergrade highway crossing shall be constructed with clearances to conform to the Commission's General Order No. 26.

(2) The entire expense of constructing the crossing shall be borne fifty (50) per cent by the City of Richmond and fifty (50) per cent by the Atchison, Topeka and Santa Fe Railway Company.

(3) The City of Richmond shall have the right to raise the necessary funds for its ^{portion} /of the expense of this construction, in such manner under the laws of California as the City Council shall deem proper.

(4) 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, 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 28th day of November, 1919.

Edwin C. Eyster

H. D. Brundage

H. D. Brundage

James W. Martin

Commissioners.