

ORIGINAL

Decision No. 879.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application of the)
County of San Mateo for a crossing right)
at the termination of Market Street on the) Application No. 6322.
Southern Pacific Company's right of way ;)
Colma, San Mateo County .)

for
J. F. Davis, / County of San Mateo and Colma
Improvement Club.
H. W. Hobbs for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of San Mateo asks permission to make an excavation or tunnel under the tracks of Southern Pacific Company at Colma, such tunnel to permit Market Street in the ^{an} incorporated city of Colma to be continued by reason of a subway underneath the tracks of the Southern Pacific Company, Market Street at the present time terminating at its intersection with the right of way of the Southern Pacific Company.

The Commission on December 20, 1920, issued its order to the Southern Pacific Company to show cause, if any, it had, why the application herein should not be granted and a public hearing on the application and order to show cause was conducted by Examiner Handford at Colma on January 24, 1921, at which time the matter was duly submitted and is now ready for decision.

The tracks of the Southern Pacific Company, under which the crossing is proposed to be established at Market Street, Colma, are those of the San Francisco-San Bruno Branch formerly constituting the main line of the coast division of the Southern Pacific Company entering San Francisco. These tracks are practically exclusively used for freight service but one local passenger train being operated in each direction daily. At the point of the proposed undergrade crossing where Market Street intersects the railroad right of way, there are two tracks located on the embankment some ten feet above the level of Market Street.

At the hearing on this proceeding, attorney for the Southern Pacific Company stated that the company was not in position to make answer to the order to show cause by reason of the limited data contained in the application, that the necessity for a subway at this point had not been shown, that no plans or specifications had been presented to enable the Southern Pacific Company to determine what character of structure was contemplated or desired and that, in the absence of such detailed data, plans, or specifications, the Southern Pacific Company had no method of determining the cost of the proposed construction and could not therefore answer the order to show cause because it had no advice enabling even an approximate determination of the expenses which the Southern Pacific Company would be required to assume and in view of such position it was decided that applicant should present its testimony to supplement and amplify the application heretofore filed in this proceeding.

Attorney for applicant stated that what was desired at the present time was the authority of the Railroad Commission to establish the proposed undergrade crossing; it being intended,

should such right be granted, to proceed with the formation of an assessment district; such district to meet such expense as would be apportioned by the Commission as that to be borne by the public in connection with the establishment of the proposed undergrade crossing. It was the opinion of the attorney for applicant that the railroad should be required to pay one-half the expense but that, if such apportionment was not made by the Commission, one-quarter of the expense would be considered satisfactory although even in the event that the Commission decided that the railroad was not to be burdened with any of the cost, it was still the desire of the applicant to proceed with the proposed undergrade crossing and that the order of the Commission was desired authorizing the establishment of the crossing by the proposed separation of grade.

As to the necessity for the proposed undergrade crossing, applicant alleges that considerable congestion exists at the Washington Street crossing located about 700 feet south of the proposed Market Street crossing and also congestion existed on San Pedro Street located some 900 feet south of the Market Street crossing; San Pedro Street being the main highway leading toward the ocean. The nearest crossing to the north from the proposed Market Street crossing is at School Street, some 1300 feet from Market Street. Witnesses for applicant stated that, during the vegetable shipping season which is some five or six months in the year and divided about equally between the early spring and late summer, Washington Street was subject to a congestion and blockage by teams and trains so that it is impassable. It is stated that this congestion is caused by vehicles waiting their turn to discharge their loads at the packing houses and by the switching of the Southern Pacific

trains across the street. These witnesses were of the belief that the installation of a subway at Market Street would relieve the congested conditions by offering an alternate route and it is stated that there are approximately 1,000 people living west of the Southern Pacific tracks that would be benefited by the establishment of the proposed undergrade crossing.

Mr. T. L. Hickey, Supervisor of San Mateo County, in whose district Colma, an ^{un}incorporated town is located, stated that the matter was a local one and that he, as supervisor, could not approve of the county apportioning a part of its general fund for the proposed subway and that his attitude regarding the expense was also that of the board of supervisors of San Mateo County.

Witnesses for the Southern Pacific Company deny that congestion exists, particularly as regards the blocking of the crossings at Washington and San Pedro Streets. Mr. W. H. Phelps, assistant division engineer of the coast division of the Southern Pacific Company, testified that, while he was unaware as to the details of the subway crossing contemplated or desired by the County of San Mateo, he was of the opinion that the proposed undergrade crossing would cost not less than \$30,000.00 and that the present method of egress and ingress from the north to packing houses located on the east side of the Southern Pacific tracks would be eliminated if the proposed undergrade crossing were to be installed.

After careful consideration of all the evidence and statement of counsel offered at the hearing on this proceeding, it appears that this is a matter which can not at the present time be finally determined as the County of San Mateo, applicant in this proceeding, is on record through the supervisor in the district including Colma, to the effect that it is

unwilling to use the county funds for the construction of a subway, taking the position that the matter is a local one which is not of general interest or benefit to the county of San Mateo. The Southern Pacific Company contends that it can not satisfactorily answer the matter until it has definite knowledge of what was proposed by the county of San Mateo and as to what will be the cost of the proposed improvement; that no plans, specifications or estimates of cost have been filed and no opportunity is therefore present for any interested party to present objections or specific approval of what may be proposed. There is, however, a very general demand for the establishment of the proposed undergrade crossing and as the counsel for applicant, who also represented the Colma Improvement Club, definitely stated that it is intended to form an assessment district to provide the necessary funds to meet the expense of the proposed undergrade crossing it may be possible for the parties in interest to work out a solution which will be satisfactory to all concerned.

In view of the situation in its present condition, the Commission is of the opinion that it should not grant the application herein sought and authorize an excavation under the tracks of the Southern Pacific Company when the applicant in this proceeding, through a supervisor representing the county of San Mateo, is on record for itself and the board of supervisors that the county does not wish to be subject to assessment for any portion of the cost. In our opinion, based on all the circumstances as developed from the evidence at the hearing on the application in this proceeding, we feel that the application should at this time be dismissed without prejudice to renewal when ~~the county of San Mateo has decided in the event of the proposed undergrade crossing, should~~

the plans proposed by applicant in the formation of the assessment district to care for the portions of expense which may be found should properly be borne by such assessment district. The matter may then be presented to the Commission in a new application.

O R D E R

County of San Mateo having applied to this Commission for the right to excavate or tunnel under the tracks of the Southern Pacific Company at the termination of Market Street, Colma, San Mateo County, for the purpose of establishing an undergrade crossing at such point, a public hearing having been held, the matter being duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED, That for the reasons set forth in the foregoing opinion this application be and the same hereby is dismissed without prejudice.

Dated at San Francisco, California, this 2nd day of March, 1921.

Stuart R. Dyer

H. P. ...

Waring Martin

Commissioners.