

Decision No. 28264

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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THE PENINSULA GRADE CROSSING )  
CONFERENCE, )

Complainant, )

) Case No. 3838

vs. )

SOUTHERN PACIFIC COMPANY, )

Defendant. )

**ORIGINAL**

- W. F. Durand, for Complainant
- E. W. Hobbs, for Southern Pacific Company
- J. C. Nowell, for California State Chamber of Commerce
- E. P. Wilsey, City Manager, for City of San Mateo
- Asa Hull, for City of San Carlos
- Ronald L. Campbell, for County of San Mateo and City of Redwood City.

WHITSELL-- Commissioner:

O P I N I O N

This proceeding was instituted by the filing of a complaint by the Peninsula Grade Crossing Conference, requesting that the Commission undertake an investigation of grade crossing conditions on the double track line of Southern Pacific Company between the northerly limits of San Mateo and the southerly limits of Redwood City, in San Mateo County, and make its order closing all unnecessary crossings and directing that the remainder be provided with suitable protection and be properly constructed. Southern Pacific Company was named as defendant.

The complainant, Peninsula Grade Crossing Conference, is a civic organization having as its purpose the improvement of crossings of public highways with railroads in San Mateo County, Santa Clara County and the City and County of San Francisco. Dr. W. F. Durand of Stanford University is chairman of the conference which, since its organization in 1929, has been active in various studies relating to crossings in the territory involved. The State Chamber of Commerce has also taken an active interest in this matter and has entered an appearance in this proceeding. (1)

Public hearings upon this complaint were held at San Francisco and in the City of San Carlos at various times between August 9, 1934 and November 27, 1934.

A survey was made of the public streets crossing over the double track main line of the Southern Pacific Company in the territory involved, and a comprehensive report was prepared by a committee, hereinafter referred to as the Fact Finding Committee, composed of representatives of the Peninsula Grade Crossing Conference, Southern Pacific Company, San Mateo County Planning Commission, State Chamber of Commerce, each of the several municipalities concerned, and the Engineering Department of the Railroad Commission.

The district involved in the complaint and considered in this proceeding is that along the double track main line of the Southern Pacific Company between the northerly limits of San Mateo and the southerly limits of Redwood City, a distance of 9.3 miles. In this section there are thirty grade crossings. The distance between cross-

(1) At the first hearing, Mr. J. C. Nowell, a member of the State Chamber Grade Crossing Study Committee, stated that "the position of the Committee of the State Chamber is that with the large number of railroad crossings throughout California and the large number of motor vehicles operating on our public highways, that it is in the public interest to force a concentration of traffic over a lesser number of crossings and to adequately protect or separate those crossings and to close many of the crossings carrying little or no traffic. We offer full support to the Commission in a plan designed to obtain these objectives."

ings varies from a few hundred feet in the cities of San Mateo and Redwood City to a half or three-quarters of a mile in the more sparsely settled districts.

The section of railroad track involved is a portion of the main coast line of Southern Pacific Company and in addition to the through travel between San Francisco and Los Angeles, there are numerous local trains between San Francisco and San Jose. Under present schedules there is an average of fifty-six passenger trains and fifteen freight trains a day.

In this portion of San Mateo County, the railroad lies between two important state highways. El Camino Real, located to the west of the tracks, is the original highway through the County, and much of the development of the territory is, therefore, contiguous to this route. The Bayshore Highway, which is of more recent construction, is located from a half to one mile east of the railroad. Of the crossings considered in this proceeding, some are important traffic laterals between these two highways and some are of purely local use and are of no significance from a through-traffic standpoint.

Traffic counts have been made by the Fact Finding Committee at each of the thirty crossings and in some instances additional counts were made by the cities concerned. Traffic, as counted, varied from a few cars per day at some of the little used crossings to a maximum of 5800 cars in a twelve hour period at Broadway, Redwood City. A tabulation in evidence indicates that one-half of the crossings carry approximately ninety per cent of the vehicles having occasion to cross the tracks and that one-third of the crossings carried less than 200 vehicles each per day.

According to the Commission's accident records, there have been forty-five accidents at these thirty crossings in the eight year period ending December 31, 1933, in which nineteen persons were killed and eight others injured. The evidence discloses that a large number

of these accidents occurred at crossings where the traffic is relative-  
(2)  
ly light and establishes the fact that a given volume of vehicle traffic  
can be carried much more safely across railroad tracks when concentrated  
at relatively few well-protected crossings than if spread over numerous  
little used crossings.

In addition to the report of the Fact Finding Committee,  
there were also received in evidence various maps, sketches and photo-  
graphs of the crossings under consideration as well as specific recommenda-  
tions by engineers who had studied conditions in the territory involved.

It is the duty of the Commission, in this proceeding, to weigh  
public convenience and public safety in arriving at its decision.  
Upon a consideration of the record in this proceeding, in the light of  
this obligation, I am of the opinion that public convenience and neces-  
sity, and the consideration of public safety, require that certain  
crossings hereinafter referred to, be closed, and I recommend their  
closing to the Commission.

It is my view that in any case where the closing of a cross-  
ing is found to be proper not only should it be closed physically, but  
the area involved should, in accordance with the provisions of law, be  
divested of its character as a public street. Adequate provision is  
made in the General Laws of the State of California for the closing  
of portions of public streets through action of the local legisla-  
tive bodies having jurisdiction over the particular streets involved.

My recommendations are, therefore, as follows:

1. That no final order be made in this proceeding at this  
time.
2. That the members of the local legislative bodies having  
jurisdiction over the public streets involved be ordered to show cause,  
if any there be, why they should not be required to proceed in the

(2) Table 11 of Exhibit "1" indicates that eleven of the forty-five  
accidents occurred at crossings carrying less than 200 cars per day.

manner provided by law to close those portions of the public streets lying within the limits of those certain railroad crossings generally described as follows:

Crossing No. E - 20.8	Thirty-ninth Ave.,	San Mateo
Crossing No. E - 21.1	Mills Ave.,	San Mateo
Crossing No. E - 22.9	Hull Crossing	San Carlos
Crossing No. E - 24.5	Baton Road	San Carlos
Crossing No. E - 25.9	Beech Street	Redwood City

3. That Southern Pacific Company be ordered to show cause, if any there be, why it should not be required physically to close those certain crossings hereinabove enumerated.

It appearing that no order in this matter should be entered until after further hearings upon notice to the cities concerned, as herein recommended, the Commission hereby adopts the above as the Opinion of the Commission.

Dated at San Francisco, California, this 7th day of October 1935.

Leon Whittell  
W. A. Lee  
W. B. Hamer  
D. J. [unclear]  
Frank [unclear]  
Commissioners