

Decision No. 32201

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the County of San Mateo, State of Cali-
fornia, for the installation of auto-
matic crossing signals at the Fifth
Avenue crossing of the tracks of the
Southern Pacific Company's Dumbarton
Branch Railroad southeast of Redwood
City.

ORIGINAL

Application No. 22626

DANIEL E. SULLIVAN, Assistant District Attorney, for
Applicant.

R. S. MYERS, for Southern Pacific Company, Respondent.

BY THE COMMISSION:

O P I N I O N

In the above-entitled proceeding the Commission is asked to make its order authorizing the installation of automatic warning signals at the grade crossing of Fifth Avenue, San Mateo County, with the tracks of the Dumbarton Cut-off Line of the Southern Pacific Company (Crossing No. DAB-27.3). At the present time the warning protection at this grade crossing consists of two Standard No. 1 crossing signs.

A public hearing was conducted in this proceeding before Examiner Hall at Redwood City on July 12, 1939, at which time the matter was taken under submission and is now ready for determination.

At the hearing Southern Pacific Company showed that the crossing had never been regularly authorized as a public crossing and its use had been permitted only through sufferance. Applicant accordingly amended the application to include a request that the crossing be authorized by the Commission.

The grade crossing herein involved is situated about two-thirds of a mile southeast of the corporate limits of Redwood City, measured along the Dumbarton Cut-off main line tracks of the Southern Pacific Company.

Fifth Avenue is an east and west county road, paved to a width of approximately 20 feet with oiled macadam, extending westerly

from Bayshore Highway to El Camino Real, both state highways, and intersecting Middlefield Road, an extensively used north and south county boulevard.

Applicant alleges that public convenience, necessity, and safety require the installation and operation of automatic warning signals at this crossing due to the greatly increased traffic since this road has been paved throughout and made into a connection between El Camino Real (U.S. 101) and Bayshore Highway (State Route No. 68), and Middlefield Road, an intermediate north and south highway, and since the development of the Friendly Acres residential tract between the railroad and Bayshore Highway. Furthermore, it was shown that this crossing is used daily by school buses during school terms.

Applicant's Exhibit No. 2 shows the result of a traffic count at the crossing taken on three days, July 6, July 8, and July 9, 1939, during 24-hour periods.

| <u>AUTOMOBILES AND TRUCKS</u> | <u>PEDESTRIAN</u> | <u>TRAINS</u> | | <u>TIME</u> |
|-----------------------------------|-------------------|---------------|-------------|----------------------|
| | | <u>EAST</u> | <u>WEST</u> | |
| Thursday - July 6th, 1939 | | | | |
| 61 | | 4 | 6 | 12:01 a.m. to 8 a.m. |
| 346 | 29 | 1 | 0 | 8 a.m. to 4 p.m. |
| <u>331</u> | <u>21</u> | <u>5</u> | <u>1</u> | 4 p.m. to 12 p.m. |
| Total 738 | 50 | 10 | 7 | |
| Saturday - July 8th, 1939 | | | | |
| 62 | 1 | 3 | 4 | 12:01 a.m. to 8 a.m. |
| 498 | 31 | 2 | 0 | 8 a.m. to 4 p.m. |
| <u>307</u> | <u>26</u> | <u>3</u> | <u>1</u> | 4 p.m. to 12 p.m. |
| Total 927 | 58 | 8 | 5 | |
| Sunday - July 9th, 1939 | | | | |
| 95 | 0 | 2 | 2 | 12:01 a.m. to 8 a.m. |
| 403 | 31 | 0 | 2 | 8 a.m. to 4 p.m. |
| <u>359</u> | <u>18</u> | <u>0</u> | <u>1</u> | 4 p.m. to 12 p.m. |
| Total 917 | 49 | 2 | 5 | |

NOTE: Approximate speed of trains 15 miles per hour. During school term school buses pass over this crossing. 8 crossings per day - approximately 40 passengers per bus.

Respondent's Exhibit No. 3 is the result of traffic count taken on July 7, 1939, and shows the following:

| Autos and Trucks | Pedestrians | Trains | Time |
|------------------|-------------|-----------|------------------|
| 525 | 27 | 1 | 7 a.m. to 7 p.m. |
| <u>185</u> | <u>8</u> | <u>12</u> | 7 p.m. to 7 a.m. |
| 710 | 35 | 13 | |

It will be noted that the results of both checks with respect to the total number of vehicles are substantially in accord. Applicant's exhibit shows that about one-half the auto and truck traffic moves between 8 a.m. and 4 p.m. and the balance during the remaining 16 hours of each 24-hour period. Upon the showing of the traffic counts it was brought out by respondent that train traffic is exceedingly light during the hours that school buses are usually operated, viz., 7:30 a.m. to 4:30 p.m.

Respondent takes the position that there are no passenger trains moving over the Dumbarton Cut-off Line; that the line is used for the movement of freight trains only; that practically all such movements are at night and at slow speeds; and that therefore additional warning protection is unnecessary at the crossing.

The record shows that no accidents have occurred at this crossing. It is clear, however, that a potential hazard exists at this location, particularly during night hours and during foggy weather. The track at the crossing is on an embankment about four feet above the surrounding ground level, and the beam of headlights of an automobile would be directed below the bodies of cars on the track. Automatic signals would give both a light and a bell warning, which would be of material benefit at all times and under all weather conditions.

Estimates of the cost of providing different types of automatic signals as prepared and submitted by a signal supervisor of the Southern Pacific Company are as follows:

| C.R.C. Std. No.: | Type | Cost Installed | Annual Maintenance Cost |
|------------------|--|----------------|-------------------------|
| Standard No. 3 | Lower quadrant wigwags | \$4,232.00 | \$120.00 |
| Standard No. 4 | Upper quadrant wigwags | 4,232.00 | 120.00 |
| Standard No. 5 | Flashing Light, Rotating Banner and Bell | 5,070.00 | 125.00 |
| Standard No. 8 | Flashing Light and Bell | 3,992.00 | 135.00 |

The application specifically mentioned two Standard No. 4 upper quadrant wigwags as being desired. Since the date the application was filed, however, the Commission has issued its General Order No. 75-B approving the use of the flashing light type of signal with bell. The record in this case indicates that this type of signal would be the most suitable at this crossing. Relating to the question of the apportionment of cost involved, it seems clear that this improvement will be of equal benefit to the railroad and the public, and, therefore, the cost thereof should be shared equally.

In order to further reduce the potential hazard, it is suggested that the county paint standard railroad crossing markings on the pavement and install reflectorized advance warning signs on both sides of the crossing.

In passing upon the public need of a crossing at this point the record does not clearly show when the use of this crossing actually began, but it appears to have gradually become, during the period of years, the most important east and west artery to the residents in that district known as Friendly Acres which has now reached a stage of development of considerable importance. While the Commission is generally in favor, from the standpoint of safety to the public of reducing the number of grade crossings to a minimum, it would unquestionably result in a hardship to the residents in this area to deprive them of this crossing at this late date and would result in their being forced to use a far more circuitous route in reaching their respective destinations.

After carefully considering the record in this proceeding

it is the Commission's conclusion that the county's application for authority to continue the use of this crossing should be granted and that the crossing should be protected by two flashing light type of crossing signals, Standard No. 8 (G.O. 75-B), the expense of furnishing, installing, and maintaining such signals to be borne upon the basis set forth in the order.

ORDER

Public hearing having been held and the matter being duly submitted,

IT IS HEREBY ORDERED that the County of San Mateo, State of California, be authorized to construct the crossing at grade of Fifth Avenue (Crossing No. DAB-27.3) over the double track Dumbarton Cut-off main line of Southern Pacific Company, subject to the following conditions:

- (1) The location, width, and grades of approach of said crossing shall be maintained substantially as shown on the map attached to the application and designated as Exhibit "A."
- (2) Applicant shall bear entire maintenance cost outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost between such lines. Width of crossing shall be not less than twenty feet and grades of approach not greater than three per cent. Construction shall be equal or superior to Standard No. 2 of G. O. No. 72.
- (3) Said crossing shall be protected by two flashing light type, automatic signals (Standard No. 8, G. O. No. 75-B), to be located in a conspicuous position at both corners of the crossing intersection on the right-hand side of traffic flow and in advance of the railroad track and arranged to face street travel.
- (4) Said signals to be furnished and installed by Southern Pacific Company, the cost thereof to be borne equally by Southern Pacific Company and the County of San Mateo and the operation and maintenance expense to be borne solely by Southern Pacific Company.
- (5) Upon placing in service of said automatic signals Standard No. 1 crossing signs are to be removed.
- (6) Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of August, 1939.

Rafael
Ray
Justice J. Cassin
Commissioners