

Decision No. 40521

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
the City of Antioch, a Municipal	)	
Corporation of the Sixth Class, of	)	Application No. 28265
the State of California, to construct	)	
a Street Grade Crossing within the	)	
Corporate Limits of the City of Antioch.)	)	

JOHN E. FLEMING for applicant  
 R. S. MYERS for Southern Pacific Company  
 for protestant

O P I N I O N

In this application the City of Antioch requests permission to construct "D" Street at grade across the main line tracks of Southern Pacific Company in said city.

A public hearing was held in this matter in Antioch on June 27, 1947, at which time the matter was submitted.

The city of Antioch is laid out with streets running generally north and south, east and west, and the main portion thereof including the business district is situated between the tracks of Southern Pacific Company and the San Joaquin River. Southern Pacific Company's tracks run generally in an easterly and westerly direction through the city and that portion of the city south of the tracks is a newly developed residential area. The only crossings over the tracks of Southern Pacific Company at the present time are at "A" Street near the easterly side of the city and "L" Street near the westerly side of the city. These crossings are about 4000 feet apart.

The instant application proposes to open "D" Street at grade across the railroad 1200 feet west of the "A" Street crossing in order to secure a more direct route through the newly developed subdivision to the business center of the city which is located in the vicinity of Second and "I" Streets.

Both the elementary and high schools are located adjacent to "D" Street and north of the railroad, and pupils must now cross at "A" Street to reach the high school or trespass on the railroad right-of-way.

Applicant contends that the opening of the "D" Street crossing will make a safer place for these children to cross the railroad and avoid the detour by the "A" Street crossing.<sup>(1)</sup>

It is the plan of the City to construct an additional elementary school south of the railroad which, when completed in the near future, will take care of the elementary school children south of the railroad. The high school children will have to continue to cross over the railroad.

Applicant also maintained that a crossing was necessary to facilitate the movement of vehicular traffic between the southern area and the business district of Antioch. The record also shows that the area south of the railroad is rapidly growing on both sides of "D" Street.

The master plan of the City of Antioch proposes that some time in the future a grade separation at "H" Street about 1500 feet west of the crossing herein involved will be built. The record indicates that such a project cannot be financed for several years and, furthermore, the development along "H" Street is not as yet sufficient to justify such a grade separation.

At the point of proposed crossing, the railroad track is in a slight cut and the grade of approach would be downward to the track from both directions. At one corner of the crossing the view is blocked by a small building.

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(1) Representatives of the School District and of the Parent Teachers' Association testified that over one hundred children would move over this crossing in the morning, twice during the noon hour, and in the afternoon when school is dismissed. Practically all these children travel on foot.

Southern Pacific Company objected to the opening of a crossing on the ground that the "A" Street crossing should be sufficient to take care of the traffic and that the proposed crossing would be blocked at times when a freight train was switching in the Antioch yard. (2) It contended that if the Commission granted the application the crossing should be protected by flashlight signals, and estimated that the approximate cost would be \$5,000 and that the cost of installing the crossing, excluding pavement, would be \$840.

A review of the record indicates that public convenience and necessity require the opening of "D" Street at grade across Southern Pacific Company's tracks, provided the earth banks on the four corners of the crossing be cut back in order to improve the view of approaching trains. We are convinced that flashlight signals as proposed will provide insufficient protection for the school children who must use the crossing in travelling on foot to and from school, and that automatic crossing gates would provide a more positive and arrestive protection. The following order will so provide.

O R D E R

A public hearing having been held and the matter being under submission and public convenience and necessity requiring the operation of such crossing at grade, IT IS HEREBY ORDERED that the City of Antioch, in the County of Contra Costa, is authorized to construct "D" Street at grade across the tracks of Southern Pacific Company at the location as shown by the maps attached to the application and by exhibit No. 6 filed herein, subject to the following conditions.

(1) The above crossing shall be identified as Crossing No. B-53.3

(2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two

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(2) Southern Pacific Company stated six passenger trains regularly pass through Antioch each day with a timetable-permitted speed of 70 miles per hour. However, occasional extra passenger trains would pass through this territory. About eight freight trains operate through Antioch daily with the permitted speed of 50 miles per hour.

feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two feet outside of the outside rails shall be borne by Southern Pacific Company.

(3) Two automatic crossing gates equipped with flashlight signals and bell shall be installed at the sole expense of applicant for the protection of said crossing of "D" Street. The maintenance of said signals thereafter shall be borne by Southern Pacific Company. Plans for said gates shall be submitted to the Commission for its approval before the commencement of construction.

(4) The crossing shall be constructed of a width of not less than 24 feet and at an angle to the railroad as shown by the drawing attached to the application; shall be constructed equal or superior to type shown as Standard No. 2 of our General Order 72, and shall in every way be made suitable for the passage thereon of vehicles or other route traffic.

(5) The earth banks on the four corners of the crossing shall be removed sufficiently to allow pedestrians (school children) to have a reasonably clear view of the tracks in both directions.

(6) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.

(7) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof unless further time is granted by subsequent order.

(8) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, July 8 1947.

*Harold A. Kula*  
*Justin F. Gaeuer*  
*Jack Powell*  
*A. J. [unclear]*  
*[unclear]*  
COMMISSIONERS