

ORIGINALDecision No. 49470

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Carlos,)
 San Mateo County, California, to re-)
 locate a Grade Crossing over the)
 Southern Pacific Railway Co. Right of) Application No. 34733
 Way from Brittan Avenue to Howard Ave-)
 nue, San Carlos, California.)

Kenneth I. Jones and Harold N. Blake, for
 applicant.
Roy S. Myers, for Southern Pacific Company;
J. P. Sinclair, for the Division of
 Highways, Department of Public Works of
 the State of California; Melvin E. Cohn,
 for the San Carlos Chamber of Commerce,
 interested parties.
Elmer C. Kelly, for Howard Avenue Property
 Owners Association; Florence E. Parker
 and J. S. Conley, in propria personae,
 protestants.
Martin J. Lewis, for the Commission staff.

O P I N I O N

The City of San Carlos, by the above-entitled application, requests authority to relocate a crossing at grade over the Southern Pacific Co. right of way from Brittan Avenue to Howard Avenue in San Carlos. The present grade crossing over the Southern Pacific tracks at Brittan is hazardous because of difference in grade of the tracks and the two highways, El Camino Real (U. S. 101) to the west and Old County Road to the east, both roads paralleling the tracks. The proposed crossing at Howard, on the other hand, will be almost level with the presently improved grade of both said highways. The approaches are presently completed at Howard. Howard also has the advantage of being more nearly equidistant between the crossings at Holly and Whipple.

Public hearing was held on this application in San Carlos December 3, 1953, before Examiner Rowe. Evidence, both oral and documentary, was adduced by applicant, the Highway Division, by interested parties, and by the protestants, and the matter was duly submitted for decision.

The Southern Pacific Company introduced into evidence a letter from its general manager addressed to the Commission in which it stated its willingness to grant an easement for the new crossing on the condition that the crossing at Howard will be formally closed and abandoned, the City bearing all cost thereof. Also, in accordance with this letter, the City is expected to bear the entire cost of constructing the new crossing.

Automatic gates are to be installed at the new crossing, Southern Pacific Company paying 50 per cent of such cost and the City the balance. Conditioned upon the City executing an agreement on the above basis, the company stated that it offered no objections to the application and would assume the cost of maintenance. The application recommends the installation of two automatic crossing gates synchronized with traffic signals to be located at the intersection of El Camino Real and Howard.

The City witnesses expressed agreement with the conditions stated by the Railway Company. The installation of such gates and other facilities should materially eliminate the hazard now existing at the crossing with its present location. The present Brittan crossing is further complicated by the Highway Division's requirement that only right turns onto El Camino Real be permitted, street crossings there as well as left turns being forbidden. The fact that the physical barriers there can easily be crossed by motor vehicles has increased the hazardous condition on the highway at that point.

Protestants contended that the opening of the proposed crossing at Howard would also have disadvantages and create a safety hazard to children living along Howard Avenue in the residential area several blocks to the west. The disadvantage is that while Brittan Avenue is 60 feet from curb to curb, Howard is only 40 feet as improved although the evidence indicated a wider right of way. The evidence further indicated that this narrow condition of the street would discourage its use by through traffic, especially commercial vehicles. The use of signs to direct traffic off Howard was suggested as well as making Howard a one-way eastbound traffic street commencing at Laurel Street for at least one block west thereof. In any event, the narrow and winding condition of Howard will very probably discourage its use by other than people who reside on it. The Commission is of the opinion that City officials can be expected to effectively prevent the hazardous use of Howard Avenue west of Laurel. According to the weight of the evidence, most of the traffic using the proposed Howard Avenue crossing will turn onto El Camino Real either to the north or to the south so that the apprehension of increased traffic on Howard is largely without substantial basis.

O R D E R

Application therefor having been filed, public hearing having been held and the Commission having found that the public interest requires the granting of the application,

IT IS ORDERED that:

1. The City of San Carlos, in the County of San Mateo, State of California, be, and it is hereby authorized to construct Howard Avenue at grade across the tracks of Southern Pacific Company at the location more particularly described in Application No. 34733 and as

shown on the map attached thereto, subject to the following conditions and not otherwise:

- a. The crossing herein authorized shall be identified as Crossing No. E-24.1;
- b. The entire expense of constructing the crossing, except to the extent set forth in subparagraph (d) hereof, shall be borne by applicant;
- c. Said crossing shall be constructed equal or superior to type shown as Standard No. 2 in General Order No. 72 and shall be protected by two automatic crossing gates incorporated as a supplement to two Standard No. 8 flashing light signals of the type shown in General Order No. 75-B. Prior to the above installation, traffic signals shall be installed at the intersection of Howard Street and El Camino Real which shall be effectively coordinated with rail movements over the tracks hereby authorized to be crossed, in a manner satisfactory to the Commission;
- d. The entire cost of acquiring and installing such flashing light signals and automatic crossing gates and of coordinating the traffic signals with rail movements over the tracks shall be borne 50 per cent by applicant and 50 per cent by the Southern Pacific Company;
- e. The cost of maintaining said gates and flashing light signals and those portions of said crossing between lines two feet outside of the outside rails shall be borne by the Southern Pacific Company;
- f. Simultaneously with the opening of Crossing No. E-24.1, Howard Avenue, Crossing No. E-23.8 at Brittan Avenue, shall be closed to all traffic by constructing a fence or other proper barriers and the road surface removed at the sole cost of applicant.

2. Within thirty days thereafter applicant shall give the Commission written notice of the completion of all said construction and removal and of its compliance with the conditions hereof.

3. The authorization herein granted shall lapse if not exercised within one year after the date hereof unless further time is granted by subsequent order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of December, 1953.

A. J. [Signature]
President

Justin D. [Signature]

[Signature]

[Signature]

[Signature]
Commissioners