

Decision No. 50169**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the maintenance, operation, use, safety and protection of that grade crossing in the CITY OF BELMONT known as F Street and the main line of SOUTHERN PACIFIC COMPANY.

Case No. 5538

In the matter of the application of SOUTHERN PACIFIC COMPANY for an order to require that a crossing by a publicly-used road by a railroad in Belmont, San Mateo County, California, be abolished.

Application No. 35041

R. S. Myers for applicant and respondent  
Southern Pacific Company.  
Paul A. McCarthy for City of Belmont, protestant  
and interested party.  
W. R. Roche for the Commission Staff.

O P I N I O N

The railroad company by Application No. 35041 filed January 12, 1954 asks that this Commission make its order requiring that the grade crossing known as F Street Crossing in the City of Belmont and known as Milepost 22.64 on the Company records, be ordered abolished by physical closing. It is alleged in said application that said crossing no longer serves any material public convenience and necessity.

This Commission upon its own motion ordered an investigation into the maintenance, operation, use, safety and protection of said crossing for the following purposes:

- (1) To determine whether or not public safety requires the abolishment of such crossing by physical closing thereof.
- (2) To determine whether or not public safety requires alteration of such crossing and the construction and maintenance of protective devices thereat, and to apportion the costs of such alteration, and protection as may be found necessary between the Southern Pacific Company and the City of Belmont.

- (3) To enter any other order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction in the premises.

This order of investigation was filed April 6, 1954 and contained the further order that said investigation be consolidated for hearing with said Application No. 35041 and that public hearing be held in said consolidated proceedings at a time and place to be thereafter designated.

May 26, 1954 at 10:00 A.M. in the City Hall, Belmont, California was designated for such consolidated hearing. Notice was duly given to applicant, the Planning Commission of San Carlos, the City Councils of Belmont and of San Carlos, to Scott Company, Belmont Auto Service, McManus Kennels, Dalmo Victor Company, the City Clerk of the City of Belmont and to the Board of Supervisors of the County of San Mateo. Notice of the investigation and of the application and the consolidated hearing thereon was published on May 6, 1954 in a newspaper of general circulation published in San Mateo County.

Public hearing was held in Belmont on May 26, 1954 before Examiner Rowe at which time oral and documentary evidence was adduced and the matter duly submitted for decision. The only appearances were by applicant, the City of Belmont and the Commission Staff.

The uncontradicted evidence shows and the Commission finds as a fact that the grade crossing, referred to as F Street by the City of Belmont and by applicant railroad as crossing at Milepost 22.64, serves no substantial public convenience and necessity, that the alterations and protections necessary to render said crossing reasonably safe would be of such magnitude as to be of prohibitive cost in view of the very minor public need for said crossing, that in its present condition said crossing constitutes a serious safety hazard and should be closed. F Street at the point of its crossing

of the tracks is found from the evidence not to be a public street. Counsel for the City of Belmont stated that there is no dispute with regard to this crossing being an improper crossing, but that in view of the efforts made by the City to encourage light industry in the area west of the tracks it was the City's position that in 10 or 15 years a crossing at this point would be required to handle vehicular traffic crossing the tracks. Therefore, he requested that the Commission not order the crossing to be abolished but instead authorize the City to erect substantial barricades on each side of said crossing temporarily to prevent the usage thereof, with the right of the City to remove said barricades whenever adequate and approved safety devices are installed at said crossing. He further stated that the City feared that if the crossing were now ordered closed it would be difficult later to procure an order opening said crossing and that the order in the form requested by the City would be a psychological factor which would aid the City in having said crossing opened when the need should arise in the future..

The Commission is of the opinion and finds, that public safety requires that the crossing in question should be closed and that the Commission should not prejudice its ability to exercise its judgment at a future time. Should the City subsequently seek to have a public crossing at this point its application will be given due consideration in view of the factors then shown to exist.

O R D E R

Application therefor having been filed, and investigation on the Commission's own motion having been instituted, public hearing having been held thereon, the matter having been duly submitted and the Commission now being fully advised,

IT IS ORDERED that the grade crossing over the Southern Pacific Company's tracks of its main line in the City of Belmont known as F Street and designated on Southern Pacific Company's records as Milepost 22.64 be, and it hereby is, ordered closed by constructing proper barriers in such manner as effectively to prevent the use thereof by vehicular traffic at the sole cost of Southern Pacific Company.

IT IS FURTHER ORDERED that within thirty days after said crossing is so closed applicant shall give the Commission written notice of its compliance with the terms hereof.

IT IS FURTHER ORDERED that the investigation in Case No. 5538 be and it hereby is discontinued and Case No. 5538 is dismissed.

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

Dated at San Francisco, California, this 18 day of June, 1954.

Robert E. Mitchell  
President

Kenneth C. Lott

Gene Peggins

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Commissioners

Justus F. Craemer  
Commissioner \_\_\_\_\_, being necessarily absent, did not participate in the disposition of this proceeding.