

**ORIGINAL**Decision No. 53443

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the grade crossing )  
 of Villa Terrace and tracks of )  
 SOUTHERN PACIFIC COMPANY in the City )  
 of San Mateo, San Mateo County, being )  
 Crossing No. E-16.9. )

Case No. 5753

Charles J. Astrue, for the Commission staff.  
Frederick E. Fuhrman and R. S. Myers, for  
 Southern Pacific Company, interested party.  
Arthur J. Harzfeld, Arthur B. Sullivan and  
Frank W. Rose, for the City of San Mateo,  
 interested party.  
William T. Murphy, for residents in the area,  
 interested parties.

O P I N I O N

This Commission upon its own motion ordered an investigation into the safety, maintenance, operation, use and protection of the crossing at grade of Southern Pacific Company tracks and a street in the City of San Mateo, used by the public and known as Villa Terrace, which crossing is designated as Crossing No. E-16.9. This order, dated April 10, 1956, stated that it was entered for the following purposes:

- (1) To determine whether or not said crossing is hazardous to the safety of the public.
- (2) To determine whether or not public safety, convenience or necessity requires the abolishment of said crossing by physical closing, or the closing thereof to the public use, or the alteration thereof, or the installation and maintenance of protective devices.
- (3) To prescribe the terms under which any such abolishment, closing, alteration, maintenance or installation shall be made and the proportions in which the expense thereof shall be divided between the Southern Pacific Company and the City of San Mateo.

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

Pursuant to the provisions of said order the Secretary of this Commission caused certified copies thereof to be served upon the Southern Pacific Company, upon the City Council, upon the City Clerk of the City of San Mateo and upon the City Manager. Notice of hearing was also duly given.

The Commission staff prepared and introduced into evidence as an exhibit a document describing the crossing and its use by the railroad company and by the public, setting forth the accident record of this crossing, including a map showing the location of the crossing and its relation to other crossings, and containing photographs depicting this crossing as well as the nearest grade crossings on either side of Villa Terrace.

This exhibit concluded with the recommendation that the crossing at Villa Terrace might well be considered for closing. It stated that if the crossing is closed for vehicular traffic, a portion of the crossing should remain in place over the tracks for use of pedestrians. If, however, the Commission concludes the crossing should remain open, it was recommended that the crossing should be protected by automatic gates.

The expert witness who testified for the railroad company took the position that Villa Terrace is a street of minor importance with a low public use which should be closed. He stated that the cost of approximately \$17,000 for installing automatic gates would not be justified. He further observed that people have a tendency to run around or through automatic gates. This presents a serious hazard in view of the high speed of trains at this crossing. Both this witness and the Commission staff witness

stressed the poor visibility at this point. The danger is aggravated by the fact that both the tracks and the street are lower than the surrounding ground.

The witness who appeared on behalf of the residents in the vicinity of this crossing testified that local residents use this crossing. He asserted that the grade of the street had originally been lowered to conform with the grade of the railroad and that this had increased the cost of the street. Also, he stated that the street had recently been resurfaced at the expense of taxpayers. He took the position that the crossing should be left open for the convenience of the public but that gates should be installed, with the costs allocated 50 per cent to the city and 50 per cent to the railroad.

On behalf of the City of San Mateo a member of the city council testified that the area near the crossing was zoned for residences and also for duplexes and multiple family units, and executive and administrative phases of business. She recommended the installation of automatic gates with the city sharing the expense of installation equally with the railroad. She also stressed the inconvenience to local residents which would result from closing this crossing.

Two witnesses, one representing a building materials and ready-mix concrete company, and the other appearing for a household furniture moving concern, testified that their respective firms would be inconvenienced if they were unable to use this crossing.

The nearest protected crossing to the north or, in railroad parlance, to the west is at Peninsular Avenue, Crossing No. E-16.5, and the nearest crossing also protected in the other

direction is at Bellevue Avenue, Crossing No. E-17.1. Along the tracks these two crossings are only 6/10 of a mile apart. The crossing under consideration is Crossing No. E-16.9, only 2/10 of a mile distant from Bellevue Avenue and 4/10 of a mile from Peninsular Avenue. In addition, Poplar Avenue underpass is only 1/10 of a mile southeasterly of Bellevue Avenue.

All witnesses agreed that if Villa Terrace crossing is to remain it must be protected with automatic gates. The city has only indicated a willingness to bear one half of the cost of installing and constructing this protection. The Commission is unable to justify imposing upon the railroad one half the cost of such protection in view of the limited and local use of the crossing at Villa Terrace. This is not a through street. On the northwest it extends only 1-1/2 blocks. This crossing should be closed. The recommendation of the staff that if the crossing is closed to vehicular traffic it should remain available to pedestrian use does not appear justified in view of the fact that of the three deaths from accidents at this crossing one was a pedestrian and one was a bicyclist, and only one was killed in a motor vehicle. The Commission is of the opinion and finds that public safety requires that the crossing in question should be closed to all traffic both vehicular and pedestrian.

#### O R D E R

An investigation on the Commission's own motion having been instituted, a public hearing thereon having been held, the Commission now being fully advised and basing the decision upon the evidence of record,

#### IT IS ORDERED:

- (1) That within ninety days after the effective date hereof

the grade crossing of the Southern Pacific Company tracks at Villa Terrace Street in the City of San Mateo, which crossing is designated as Crossing No. E-16.9, shall be closed to all vehicular and pedestrian traffic by constructing fences or other proper barriers and the street surface shall be removed from the railroad right of way at the sole cost of said company.

(2) That within thirty days thereafter Southern Pacific Company shall give the Commission written notice of the completion of all said construction and removal and its compliance with the terms hereof.

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

Dated at San Francisco, California, this  
11<sup>th</sup> day of July, 1956.

[Signature]  
President  
Justice F. Caswell  
Ralph L. Lutermer  
[Signature]  
[Signature]  
Commissioners