

ORIGINALDecision No. 54385

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 and William C. Bricca
for the Commission staff.
Frederick E. Fuhrman, R. S. Myers and
Randolph Karr for the Southern Pacific
Company; Arthur J. Harzfeld, Arthur B.
Sullivan and Frank W. Roso for the City
of San Mateo; William T. Murphy and
William Sloan Dawson for residents in
the area; and Charles H. Seymour for
himself; interested parties.

OPINION ON REHEARING

By Decision No. 53443, dated July 16, 1956, the Commission ordered the grade crossing of the Southern Pacific Company tracks and Villa Terrace, crossing No. E-16.9 to be closed to vehicular and pedestrian traffic. Upon the petition for rehearing presented by the City of San Mateo, the Commission by its orders dated August 1, 1956 and September 25, 1956, extended the effective date of Decision No. 53443 and on the latter date granted rehearing.

Public hearing on rehearing was held on November 13, 1956 before Commissioner Matthew J. Dooley and Examiner John A. Rowe, Jr., at which time additional evidence was adduced and the matter duly submitted for decision.

The railroad's public projects engineer testified that the crossing should be closed because it was a lightly used crossing, because Villa Terrace is a short street and in no sense a through street. Additional public witnesses testified that the

closing of this crossing would greatly inconvenience them both as pedestrians and as motorists. According to the evidence also the closing of this crossing will result in depreciated value of real property in the vicinity of the crossing. The principal of one of the elementary public schools indicated that retention of this crossing and the consequent diversion of traffic from the Poplar Avenue underpass would lessen the potential traffic danger to pupils attending such school. } ✓

The evidence on rehearing indicates that the actual use by the public is substantially greater than it was shown to be at the original hearing. By the terms of Statutes 1953, Chapter 1739, the Commission has authority to grant to local agencies up to one half of their share of the cost of crossing protection. The procedure for procuring an allocation of such funds is set forth in Decision No. 49565, dated January 18, 1954, as amended by Decision No. 49754, dated March 9, 1954. The city's request for such funds must await consideration after the project is completed and the costs definitely determined. Request for allocation should then be presented using the form set forth in Appendix A to said Decision No. 49565. } ✓

Considering all the evidence of record in this proceeding the Commission is of the opinion and finds that there is sufficient public need to justify the retention of this crossing for public use provided it is protected by automatic gates, the Commission hereby finding that public safety requires such protection. The proper allocation of the cost of such protection is that the City of San Mateo pay fifty percent of the actual cost thereof and that Southern Pacific Company pay fifty percent of such costs. } ✓

ORDER ON REHEARING

The petition of the City of San Mateo for a rehearing in this proceeding having been granted, such rehearing held, additional evidence introduced, the matter having been submitted and now being ready for decision,

IT IS HEREBY ORDERED that the order in Decision No. 53443 is changed and modified by striking therefrom ordering paragraphs numbered (1) and (2) and substituting therefor the following:

(1) That within one hundred and twenty days after the effective date hereof Southern Pacific Company shall construct and install at the grade crossing of Villa Terrace Street in the City of San Mateo, which crossing is designated Crossing No. E-16.9, two Standard No. 8 flashing light signals equipped with automatic gate arms.

(2) That the entire cost of acquiring and installing such flashing light signals and automatic gate arms shall be borne fifty percent by the City of San Mateo and fifty percent by the Southern Pacific Company.

(3) That the cost of maintaining said flashing light signals and gate arms shall be borne by the Southern Pacific Company.

(4) That within thirty days after the acquisition and construction required by ordering paragraph (1) have been completed Southern Pacific Company shall give the Commission written notice of compliance with the terms of this order.

(5) That the investigation in Case No. 5753 is discontinued and Case No. 5753 is dismissed.

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

Dated at San Francisco, California, this 15th day of January 1957.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.