

ORIGINALDecision No. 57741

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an order
authorizing the construction at grade
of industrial lead track across
Bayshore Highway, in the Town of
Bayshore, County of San Mateo, State
of California.

Application No. 26271
(Second Supplement)

Commission investigation of the
industrial lead track of SOUTHERN
PACIFIC COMPANY at grade across Old
Bayshore Highway in the County of
San Mateo, State of California, being
crossing No. E-5.35-C.

Case No. 6202

Randolph Karr and Harold S. Lentz, for applicant and
respondent Southern Pacific Company.
Martin J. Porter, for the Commission staff.
Dion R. Holm and Robert R. Laughead, for respondent
City and County of San Francisco.
Don S. Wilson, for the County of San Mateo, respondent.
Reginald C. Taverner, for himself and other interested
parties.

O P I N I O N

By its Second Supplemental Application filed August 20,
1958, Southern Pacific Company requests that this Commission modify
its Order in Decisions Nos. 37276 and 37376 and provide that
Southern Pacific Company may operate across Bayshore Highway at any
time except between 1 a.m. and 9 a.m. and 3 p.m. and 7 p.m. in lieu
of the present restrictions set forth in said decisions, and eliminate
the one round trip limitation.

By its Order of Investigation filed November 10, 1958, the
Commission sought to investigate the maintenance, operations, use
and protection of public safety and health at Crossing No. E-5.35-C
in San Mateo County for the following purposes:

1. To determine whether or not the public safety and health require the installation and maintenance of additional protective devices at said crossing, or require alteration of existing protective devices.
2. To determine the terms upon which any such installation and maintenance shall be done, and to make such apportionment of cost among the parties hereto, or any of them, which appears just and equitable.
3. To determine whether or not the public safety and health require alteration or change in the operating practices of Southern Pacific Company in the use of said crossing.
4. To enter any other order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction.

Public hearings were held in San Francisco before Examiner Rowe on November 28, 1958, and on December 1 and 5, 1958, when both matters were submitted for decision.

Many local residents appeared and testified that the switching operations which are now required to be carried on from 1 a.m. to 6 a.m. west of the Old Bayshore Highway in serving the S&W plants and the Crown Cork and Seal Company disturbed their sleep. Other evidence of record indicates and it is found that by removing the restriction against a single movement across the grade crossing involved and by permitting these plants to be served during the day and early evening, the resulting noise will be reduced and that such noise as is occasioned will occur at times the people will not be attempting to sleep.

The Commission further finds that two Standard No. 8 flashing light signals should be installed in the median strip and that the present Standard No. 5 flashing light signals should be replaced with modified Standard No. 8 flashing light signals supplemented with similar flashing light signals mounted on cantilever arms.

It is also found and determined that the cost of this increased protection should be borne 50 percent by the railroad and 50 percent by the County of San Mateo, in which the crossing is located.

O R D E R

Public hearings having been held and basing our decision upon the above findings of fact,

IT IS ORDERED:

1. That Southern Pacific Company shall install two Standard No. 8 flashing light signals in the median strip and shall replace the existing Standard No. 5 flashing light signals located at Crossing No. E-5.35-C, with two modified Standard No. 8 flashing light signals equipped with one set of flashing light signals mounted on a cantilever arm, and, one set of flashing light signals mounted on the signal standard.

2. That the County of San Mateo shall bear one half the cost of additional protection provided for in the preceding ordering paragraph and Southern Pacific Company shall effect said construction and improvement within 120 days after the effective date of this order and shall bear the other one half of construction costs and all of the subsequent maintenance costs.

3. That within thirty days after the acquisition and construction required by the preceding ordering paragraphs have been completed Southern Pacific Company shall give the Commission written notice of compliance with the terms of this order.

4. That Southern Pacific Company, after the effective date hereof is authorized to use said crossing without restriction except that no trains or locomotives shall operate across Bayshore Highway between 11 p.m. and 9 a.m. and between 3 p.m. and 7 p.m. daily.

5. That the investigation in Case No. 6202 is discontinued.

The effective date of ordering paragraph 4 is the date hereof and the effective date of the other provisions of this order is twenty days after the date hereof.

Dated at San Francisco, California, this 16th
day of December, 1958.

E. L. Fox
President
Paul W. ...
...
Theresa J. ...
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.