

Decision No. 13575

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of the Town of Sunnyvale, for an)
order opening Murphy Avenue, across) Application No. 9505.
the Southern Pacific Company's)
tracks and right of way in Sunnyvale.)

N. W. Wretman, for Applicant.

F. W. Mielke, for Southern Pacific Company.

MARTIN, COMMISSIONER:

O P I N I O N

In the above entitled application the Town of Sunnyvale, Santa Clara County, asks for an order authorizing the construction of Murphy Avenue at grade across tracks of Southern Pacific Company.

A public hearing was held on this matter January 8, 1924 at Sunnyvale at which hearing all interested parties were duly notified and given an opportunity to appear and be heard.

Sunnyvale is an incorporated town having a population of approximately two thousand inhabitants. Southern Pacific Company's so-called "Coast Line" runs through the town in an easterly and westerly direction dividing it in about equal parts with respect to area. The development, however, is largely on the south side of the track as all the business district and seventy-five per cent of the people reside on that side of the railroad. The principal industrial district of the town is adjacent to the

railroad and east of the crossing applied for herein. At the present time Sunnyvale has four grade crossings over Southern Pacific's tracks. The proposed crossing at Murphy Avenue, if constructed, would pass through the railroad company's station grounds and intersect the main line tracks approximately three hundred and ninety feet west of the existing grade crossing at Sunnyvale Avenue. The nearest crossing to the west of the one proposed herein is at Matilda Avenue, which is located approximately thirteen hundred feet distant.

The testimony shows that property owners north of the railroad and adjacent to Murphy Avenue would be benefitted by the granting of this application in that it would offer them a more direct route to the business district of Sunnyvale. The record also shows that it is the desire of the Town of Sunnyvale to make Murphy Avenue the main highway for through traffic from the San Francisco-San Jose Highway to the proposed San Jose and Oakland highway via Sunnyvale.

Southern Pacific Company appeared to oppose the granting of this application on the ground that if the proposed crossing were constructed it would pass through approximately the center of the company's station grounds and would interfere with present railroad operations, and would also seriously interfere with plans for further development of the railroad property. The railroad also contends that public convenience and necessity does not warrant the expense and hazard that would be incident to the construction of the proposed crossing.

A traffic survey made by the railroad company December 3, 4, and 5, 1923, at crossings adjacent to the one proposed herein shows that the traffic is not heavy at these points. If the proposed crossing is constructed it would pass within a few feet of

the railroad company's warehouse and would require the moving of the warehouse platform. If this structure were left in its present location it would add materially to the hazard of the crossing in that it would obstruct the view of approaching trains from the west and would also be an unsightly structure adjoining the highway.

The proposed extension of Murphy Avenue would cross Southern Pacific Company's double track main line between San Francisco and San Jose, in addition to the company's house track and team track. There are some fifty passenger trains, six regular freight trains, in addition to many extra freight trains operated over the main lines per day. With the exception of the trains that stop at Sunnyvale, the movements are at high rates of speed in the vicinity of the proposed crossing.

The testimony shows that notwithstanding the fact applicant proposed to make Murphy Avenue the main north and south highway over Southern Pacific Company's tracks, it is not agreeable to the closing of any of the existing crossings, although Sunnyvale Avenue is less than four hundred feet distant to the east of the proposed Murphy Avenue crossing.

It is very evident that an additional grade crossing over a high speed line such as involved herein creates a real hazard, and is justified only upon the showing that public convenience and necessity justify the hazard and expense incident thereto. In addition to the hazard to the public, grade crossings are detrimental to train service. There is a public necessity for frequent and high speed train service over the Southern Pacific main lines involved herein, and this service should not be hampered by grade crossings that can reasonably be avoided.

It appears that the evidence does not justify the construction of an additional grade crossing in the Town of Sunnyvale at this time, and that therefore this application should be denied.

The following form of Order is recommended:

O R D E R

The Town of Sunnyvale having made application to this Commission for permission to construct Murphy Avenue at grade across the tracks of Southern Pacific Company in the Town of Sunnyvale, County of Santa Clara, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied without prejudice.

The foregoing Opinion and Order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 17th day of May, 1924.

A. Seamy
H. B. Burdick

J. E. Whitting
Commissioners.