

Decision No. 14757

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Palo Alto, et al.,
Complainants,

-Vs-

Southern Pacific Company,
Defendants.

ORIGINAL

Case No. 1899.

E. A. Cottrell, for Complainant.
H. H. Gogarty, for Defendant.

SEAVEY, COMMISSIONER:

FIRST SUPPLEMENTAL OPINION

In this proceeding Southern Pacific Company now asks that the Commission issue an order modifying its Decision No. 12173 by directing that human flagman be maintained at the Embarcadero Road Crossing in the City of Palo Alto between the hours of 7:45 A. M. and 3:45 P. M. daily instead of from 7:00 A. M. to 11:00 P. M. as at present maintained under above decision.

A public hearing was held at Palo Alto on March 17, 1925, on this matter.

Embarcadero Road is a paved street running diagonally across a rapidly developing residential district, crossing the double track main line of Southern Pacific Company, and connecting with the State Highway a thousand feet west of the railroad. The Palo Alto Union High School is located adjacent to this street between the railroad and the Highway, and has an enrollment of

about 700 pupils during regular day periods of whom 500 have occasion to cross track two or four times a day. The street is also one of the arteries used in reaching Stanford University and the Stanford Stadium.

Human flagman protection between the hours of 7:45 A. M. and 3:45 P. M. was established at this crossing by the Commission's Decision No. 6393 dated June 6, 1919. Four years later, on June 5, 1923, the Commission, after a public hearing, by Decision No. 12173 in the present proceeding, directed the railroad to provide a human flagman at this crossing between the hours of 7:00 A. M. and 11:00 P. M. To provide continuous protection, the railroad placed an automatic flagman in operation on July 24, 1924, and because of this installation it is now claimed that the hours between which human flagman should be maintained should be reduced.

Southern Pacific Company placed in evidence a traffic count taken at the crossing on Sunday, February 1, 1924, and also one taken on the following Tuesday. Summaries of these counts for 16 hours from 6:00 A. M. to 10:00 P. M., together with similar counts taken in May, 1923, are as follows:

<u>Date</u>	<u>Vehicles</u>	<u>Pedestrians and Bicycles</u>	<u>Total</u>
1925.			
Sunday, February 1st	1834	305	2139
Tuesday, " 3rd	2528	2102	4630
1923			
Sunday, May 20th	1957	365	2323
Wednesday, " 23rd	1984	1504	3488

This shows that the total traffic on the Sunday in 1925, during the winter season, is only slightly less than on the Sunday in May 1923, while the week-day traffic in February 1925, is about 30% higher than that in May 1923.

A study of the hourly distribution of the present week-day traffic indicates that 98.7 per cent of the highway travel over this crossing occurs during the hours that a human flagman is now maintained, of which approximately 40 per cent moves during the hours that the railroad now seeks authority to discontinue this form of protection. It also appears that the time at which the railroad proposes to discontinue this human flagman protection, 3:45 P. M., is in the hour of heaviest travel for the entire day.

There are 66 scheduled passenger train movements over the crossing; an increase of 35 per cent over 1923. Twenty-eight of these trains pass over the crossing between the hours of 7:45 A. M. and 3:45 P. M., and thirty pass in the periods that are now protected by a human flagman, but would not be so protected if the petition of Southern Pacific Company were granted.

Other than the increase in both highway and railroad traffic and the installation of an automatic wigwag signal there has been no material change in the conditions which existed at the time the present hours of human flagman protection were established in 1923. While the automatic flagman is an advantage in that it protects the crossing during period that human flagman is off duty, it does not appear that it affords as good protection as the human flagman on the ground. It is, therefore, concluded that the present protection by human flagman is necessary and no reduction in the hours is considered advisable.

At the hearing it was shown that the present location of this wigwag signal is not satisfactory and that it would be more effective and less of a hazard and obstruction to vehicular traffic if moved to the westerly side of the tracks on the southerly side of the street, and it is recommended that it be so moved.

The following form of order is recommended:

FIRST SUPPLEMENTAL ORDER

The Commission having reopened the above proceeding upon petition of Southern Pacific Company for modification of Decision No. 12173, of this Commission dated June 5, 1923, further hearing in this proceeding having been held, the matter being under submission and now ready for decision,

IT IS HEREBY ORDERED that the Commission's Decision No. 12173 in Case 1899, dated June 5, 1923, be and it is hereby affirmed.

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 7th day of April, 1925.

H. H. Brundage

C. L. Jones

Egerton Shore

George D. Squires

Commissioners.