

Decision No. 22453.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 the CITY OF PALO ALTO for an Order on  
 the Railroad Commission of the State  
 of California Installing Gates at the  
 Crossing of Churchill Avenue with the  
 Tracks of the Southern Pacific Company  
 in said city.

**ORIGINAL**

Case No. 2649.

Norman E. Malcolm and Leon T. David,  
 for the City of Palo Alto,  
 Complainant.

H. W. Hobbs, for Southern Pacific Com-  
 pany, Defendant.

BY THE COMMISSION:

O P I N I O N

This is a formal complaint filed by the City of Palo Alto against Southern Pacific Company, requesting the Commission to order that company to install crossing gates at the crossing of Churchill Avenue with defendant's tracks in the City of Palo Alto. Hearings were held at Palo Alto and San Francisco before Examiner Gannon.

Churchill Avenue is a paved cross street near the center of the City of Palo Alto, extending from Embarcadero Road southwesterly to El Camino Real, the main coast highway. It runs through a well built-up residential section of the city and, in addition to its local use, the street forms one of the important southerly entrances to the city and is also used by many vehicles in crossing from the main highway to Middlefield Road, a paved county road connecting Palo Alto with Redwood City and the Dumbarton Bridge.

At the point of crossing with the double track main line of Southern Pacific Company, it carries a week-day travel of about two thousand (2,000) vehicles, while Sunday traffic is somewhat heavier, depending on the season. On a Sunday in March, 1929, three thousand (3,000) vehicles used the crossing. The normal daily railroad movement is seventy (70) passenger trains and from ten (10) to twenty (20) freights. There are no restrictions on the speed of trains, with the exception of the general one of sixty (60) miles per hour for passenger trains and thirty-five (35) miles per hour for freight trains.

The crossing is constructed at right angles and is paved the full width of the street, providing a thirty-six (36) foot driveway and two (2) Twelve (12) foot sidewalks. The approaches ascend slightly toward the tracks on each side, that on the east being approximately four (4) per cent. The chief obstruction to the view of approaching trains is a garage building located on the southerly side of the street southwest of the tracks and there are also some slight impairments by trees, shrubbery and poles. In addition to the customary crossing signs, the railroad maintains an automatic wigwag and the City of Palo Alto has erected a stop sign on the westerly approach which is, in appearance, somewhat similar to the ordinary arterial stop sign.

One important factor in connection with the Churchill Avenue crossing and other crossings in the City of Palo Alto is the location of Alma Street, which extends parallel and adjacent to the northeasterly right-of-way line of the railroad throughout the entire city. Alma Street is paved from the northerly city limits to a point south of Churchill Avenue and attracts a considerable amount of vehicular travel. According to exhibits in this proceeding, approximately sixty-five (65) per cent of the westbound travel over the Churchill Avenue crossing approaches the crossing by way of Alma Street.

It is the contention of the complainant that crossing gates would afford better protection than is now provided by the single wigwag maintained at this crossing. Southern Pacific Company, on the other hand, takes the position that the protection now afforded is adequate and that the present day tendency is to remove existing gates rather than make additional installations.

The City of Palo Alto urges the installation of a special type of automatic crossing gate, similar to the Kahler crossing gate, installed for the protection of the grade crossing of Alameda Street over Southern Pacific Company's main line tracks in the City of Burbank. It appears, from the record in this proceeding, that such an installation would be more desirable for this particular crossing than the commonly used type of crossing gate with unyielding arms, as traffic desiring to cross the tracks at this point and turning off from Alma Street may come in contact with the gate before having an opportunity to come to a complete stop. It would seem, from the record in this matter, that an automatic crossing gate of a yielding type could be designed and operated at this location, which would give effective warning to the motorists.

Although this particular crossing presents a rather difficult situation in the matter of providing motorists with advance warning of an approaching train, yet it must be said that there are many other crossings in the state having similar conditions and which are apparently amply protected with standard wigwags. The matter of determining the proper type

of grade crossing protection in any particular instance is one that does not always permit of ready solution. There are many factors to be considered. The problem is constantly appearing in a changed light, new devices and improvements are being worked out and what is considered the best type of protection today may be more or less antiquated tomorrow. It therefore behooves this Commission to proceed with measured step and to place its stamp of final approval upon any particular device only after such device has been afforded a fair, impartial and reasonable test under all possible sorts of conditions. In this particular instance it might not appear unreasonable to require Southern Pacific Company to protect this grade crossing with two standard wigwags, equipped with two-train indicators. With such an installation, it would seem that the traffic would be afforded advance warning of an approaching train equal to that provided at many other crossings under similar conditions.

In view of the fact, however, that the City of Palo Alto is urging special protective device for this crossing, it appears reasonable that it should pay for the added cost of the materials for this special signal over and above that for the standard wigwag protection referred to above, which amounts to slightly in excess of \$1,000. The order, therefore, will provide that if the city elects to have yielding gates installed at this crossing, as it has urged, it shall contribute \$1,000. toward the cost of the same and

Southern Pacific Company be required to bear the remainder of the initial expense and the maintenance cost thereafter, providing, however, that the cost of the gates, with flashing lights, bells, air compressor unit and fittings, complete for installation, shall not exceed \$2,000. f.o.b. at the point where the gate is manufactured.

In the event the City of Palo Alto does not contribute its portion of the cost of providing yielding gate protection at this crossing, the Commission wishes to announce at this time that it will issue a supplemental order in this proceeding, prescribing additional protection for this crossing, in the way of a double installation of wigwags with two-train indicators, as conditions appear to warrant.

#### O R D E R

The City of Palo Alto having filed the above entitled complaint, the matter having been taken under submission and being now ready for decision,

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby directed to protect this crossing with a yielding type of crossing gates, subject to the following conditions:

(1) The initial cost of installing said gates shall be borne by Southern Pacific Company and the City of Palo Alto, the city to contribute the sum of One Thousand Dollars (\$1,000.) and Southern Pacific Company to bear the remaining cost, the maintenance thereafter to be borne by Southern Pacific Company.

(2) The gates shall be of a type approved by the Commission, plans for which shall be filed within sixty (60) days from the date of this order.

(3) The City of Palo Alto shall, within thirty (30) days from the date of this order, make available to the Southern Pacific Company its portion of the cost of the installation of said gates, amounting to One Thousand Dollars (\$1,000.), or submit a plan of such payment, which shall be satisfactory to the railroad, and advise the Commission accordingly.

In the event the City of Palo Alto does not comply with Condition (3) above, the foregoing order shall be of no further force and effect and, thereupon, the Commission will issue its supplemental order in this proceeding, as indicated in the foregoing opinion.

The Commission reserves the right to make such further orders in this matter as to it may seem just and reasonable.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of ~~May~~ <sup>May</sup>, 1930.

P. J. Sawyer  
Commissioner

Thos. J. L. Linn

M. J. Linn

Commissioners.