

Decision No. 23112.

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 Paci-
 fic Company in said city.

Case No. 2649.

ORIGINAL

LOUTHE, COMMISSIONER:

FIRST SUPPLEMENTAL OPINION AND ORDER

Pursuant to the terms of the Commission's order in Decision No. 22453 in this proceeding, Southern Pacific Company filed with the Commission, for its approval, a set of plans for an automatic yielding type of crossing gate (manufactured by Buda Company), which it proposed to install, in compliance with the said order, at the Churchill Avenue grade crossing in the City of Palo Alto. Before taking action on the railroad company's request for approval of the type of automatic crossing gate selected by the railroad, the matter was referred to the City of Palo Alto and acting upon the city's request, the Commission issued its Order Reopening the Proceeding for Further Hearing "for the purpose of receiving evidence upon which the Commission may base its order for the approval or disapproval of the plans for the gates to be installed at Churchill Avenue in the City of Palo Alto, submitted by Southern Pacific Company in compliance with Condition (2) of said Decision No. 22453." Further public hearings were held and the matter is now ready for decision.

The Buda automatic crossing gate, which Southern Pacific Company seeks to install in compliance with this order, is of a yielding type and operates in a vertical plane. It is actuated by electric motors connected with track circuits. The motoring public is given advance warning of the operation of this gate by means of lights and bells; to add to the visibility of the gate arms at night, a flood light is played along the arm. In the event the gate is struck, it yields and upon being released returns to its normal position.

There is nothing in the record to show that this gate does not comply with the terms of the Commission's order in said Decision No. 22453 or that it is not practical and it appears that its operation should be as dependable as other types of automatic crossing protective devices which are actuated by electric circuits in common use. The record substantiates the conclusion that the installation proposed by Southern Pacific Company will afford reasonable and adequate protection at the crossing under consideration.

After carefully considering the record in this proceeding, it appears that Southern Pacific Company's request for approval of plans for a Buda type crossing gate, to be installed at Churchill Avenue in Palo Alto, is reasonable and should be granted.

The following form of order is recommended:

O R D E R

Further hearing having been held in the above entitled proceeding, as indicated in the foregoing opinion, and the matter being now ready for decision,

IT IS HEREBY ORDERED:

I. That the Commission give its approval for the installation of a set of Buda automatic crossing gate for the protection of Churchill Avenue grade crossing in the City of Palo Alto,

as proposed by Southern Pacific Company (Exhibit No. 42) and in compliance with Decision No. 22453 in this proceeding.

II. That Southern Pacific Company shall complete the installation of said automatic crossing gate within ninety (90) days from the date of this order.

The Commission reserves the right to make such further orders in this proceeding as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

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

In all other respects, Decision No. 22453 shall remain in full force and effect.

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 26th day of November, 1930.

C. J. Seaver
Wm. J. Leary
Leon Whittell
Thos. J. Lunt

M. J. Lunt
Commissioners.