

Decision No. 23116

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SOUTHERN PACIFIC COMPANY for an order
 of the Railroad Commission of the
 State of California fixing the stopping
 point for passenger trains in the
 vicinity of Stanford and San Pedro
 Avenues, Oakland, California.

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) Application
) No. 10802
)

ORIGINAL

- E. W. Hobbs, for Applicant.
- A. N. Nelson, Deputy City Attorney, and
 C. L. Hemple, Lieut., Police Department,
 for City of Oakland, Interested party.
- J. A. Kennedy, for Mrs. I. A. Beaudry,
 Interested party.
- John Schiller, Protestant.
- E. W. Miller, Interested party.

BY THE COMMISSION -

OPINION

Southern Pacific Company, a corporation, has petitioned the Railroad Commission for an order fixing the stopping point for passenger trains in the vicinity of Stanford and San Pablo Avenues, in the City of Oakland.

A public hearing on this application was conducted by Examiner Handford at Oakland, the matter was duly submitted and is now ready for decision.

The applicant maintains and operates a double track electric interurban railroad along a private right-of-way in the center of Stanford Avenue, which railroad crosses San Pablo Avenue at grade. Three interurban lines are operated over this track; the Shattuck Avenue Line, the Ellsworth Street Line, and the California Street Line. Trains of the California Street Line make regular stops at San Pablo Avenue, while during certain hours those of the Shattuck Avenue Line make flag stops.

The trains of the Ellsworth Street Line do not make a station stop at San Pablo Avenue.

Prior to July 24, 1924, trains serving the San Pablo Avenue station stopped on the west side of that street. Subsequent to that date, east bound trains stopped on the east side of San Pablo Avenue.

The San Pablo Avenue crossing is protected by gates which are manually operated from a tower adjacent to the crossing. The close proximity of a station stop to a heavily traveled street, such as San Pablo Avenue, presents a problem not only of convenience and necessity to the patrons of the railroad but also one of traffic interference.

The evidence in this proceeding indicates that with a near side stop at San Pablo Avenue, as was experienced with east bound trains prior to July 24, 1924, abnormal delays developed on account of the gates being lowered prior to the train coming to a stop and remaining down while the train was stopped at the station and also during the time the train was proceeding across the street, whereas if the train were to proceed across the street before stopping only the normal crossing delay would be present. The only witness protesting against the present practice of stopping trains after they had crossed the street contended that all trains should stop on the west side of San Pablo Avenue in accordance with the condition contained in a right-of-way deed executed at the time the railroad was constructed. In view of the evidence, however, it appears that the Commission should make its order based upon the public convenience and necessity rather than be bound by the conditions as existing in a right-of-way deed. The present practice of stopping trains after crossing San Pablo Avenue meets with the approval

of all other parties interested in this proceeding, including the Traffic Department of the Police Department of the City of Oakland.

Under present conditions where this crossing is protected by gates it appears from the record that the convenience of the public as a whole is best served by having the trains stop on the further side of the crossing; westbound trains to stop on the west side of San Pablo Avenue and eastbound trains to stop on the east side of said Avenue. The order herein will so provide.

O R D E R

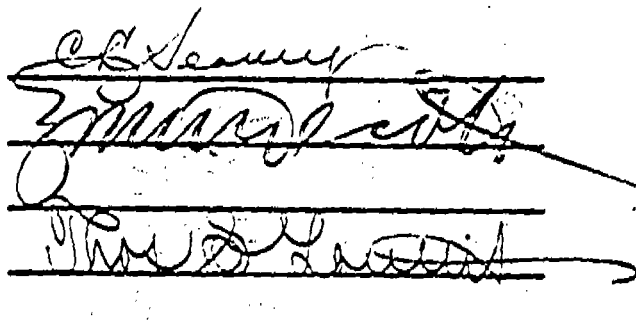
A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY ORDERED that applicant Southern Pacific Company, a corporation, be and it hereby is directed to establish, until the further order of this Commission, the station stop for trains operating along Stanford Avenue in the City of Oakland, for all trains scheduled to stop at San Pablo Avenue, as follows:

1. Westbound trains shall proceed across San Pablo Avenue and make the station stop on the west side thereof.
2. Eastbound trains shall cross San Pablo Avenue and make the station stop on the east side thereof.

The effective date of this order is hereby fixed as twenty (20) days from the date hereof.

Dated at San Francisco, California, this 28th day of November, 1930.



COMMISSIONERS.