

Decision No. _____

Decision No. 3457

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

CENTRAL CALIFORNIA TRACTION
COMPANY

Complainant

vs

STOCKTON TERMINAL AND EASTERN
RAILROAD COMPANY

Defendant.

CASE 948.

A. L. Levinsky for Complainant.
H. C. Wuerth for Defendant.

GORDON, Commissioner.

O P I N I O N.

In this complaint the Central California Traction Company alleges that the provisions of a certain agreement covering the operation of two crossings of the complainant's line with that of the Stockton Terminal and Eastern Railroad Company in the City of Stockton had been cancelled by the defendant company and the Commission is requested to order a continuation of this agreement on the ground that it is for the best interests of the traveling public. A public hearing on this case was held at Stockton on June 20, 1916, the matter was submitted and is now ready for decision.

At the time of construction of the Central California Traction Company's interurban line between Sacramento and Stockton its main line entered Stockton over the public highway known

as Cherokee Lane and crossed the track of the Stockton Terminal and Eastern Railroad on that highway. When the line was put in operation the cars of the complainant, Central California Traction Company, were brought to a stop before crossing the line of the Stockton Terminal and Eastern Railroad, while those of the latter company crossed Cherokee Lane without making a safety stop. Subsequently a new track was laid by the Central California Traction Company on private right of way which left Cherokee Lane and crossed the tracks and private right of way of the Stockton Terminal and Eastern Railroad at a point approximately 500 feet east of the old crossing. This new method of access to the City relieved the Cherokee Lane crossing of most of the cars and trains of the Traction Company, their local street car service in Stockton, and some of their freight trains. To facilitate the handling of the Traction Company's traffic over its new main line an agreement was entered into between the respective companies in March 1912, whereby the trains of the Traction Company were not required to stop at the new crossing but could pass over it under control. The trains of the Stockton Terminal and Eastern Railroad, however, were to make a safety stop before proceeding over the crossing. It was provided in this agreement that the trains of the Stockton Terminal and Eastern were to pass over the Cherokee Lane crossing under control but the cars and trains of the Traction Company were to be brought to a full stop before passing over this crossing. This agreement contained a clause providing for its cancellation after 30 days' notice by either party. In accordance with this clause in the agreement the Stockton Terminal and Eastern Railroad served notice, under date of April 20, 1916, upon the Traction Company that the agreement would be

revoked. The Central California Traction Company thereupon filed this complaint.

The traffic over the main line of the Central California Traction Company consists of 48 regular passenger trains per day, each train usually consisting of one car. One freight train each way is regularly operated and there are from one to two extra freight trains according to the volume of business. The average freight train consists of eight cars, although in the fruit season longer trains are operated; one instance being given where one train of 28 cars had been operated over this crossing.

The Stockton Terminal and Eastern operates during the busy season, in addition to its scheduled passenger service, two freight trains in each direction which average from 12 to 20 cars. The President of that Company stated that two collisions had occurred at the Cherokee Lane crossing and his company had abrogated the previously mentioned agreement because the cars and trains of the Central California Traction Company passed over the main line crossing at such excessive speed that there was danger of an accident occurring at this point.

Witnesses for both companies were inclined to place much weight on the legal rights of their respective companies under the agreement which has been discussed. I am inclined to think that Section 42 of the Public Utilities Act, which gives the Commission wide powers over the safety of public utility operation, was included in the Act to give the Commission full jurisdiction in just such cases, and I propose to make my recommendations rather on the broader ground of public safety than on a strict interpretation of the agreement.

The conditions surrounding these crossings were

thoroughly investigated by the Commission and representatives of the engineering department and service department both testified at the hearing. There are, it seems, two things which can be done to make the operation of these crossings safe. One is the construction of an interlocking plant and the other is to require the trains of both companies to come to a full stop at both crossings.

A complete interlocking plant would cost from thirty-five to forty thousand dollars and is plainly not to be considered at this time. Possibly some method of protection by means of hand operated derails can be designed, which will afford about the same protection as an interlocking plant, at much less cost, and the Commission will be ready to consider any plans of this sort which may be submitted to it, by both companies jointly, or by either company if they cannot agree. In the meanwhile safety of operation can be secured only if both companies are required to bring their trains or cars to a full stop before passing over these crossings. It is clear that the safety of the traveling public and the employees of the two companies is of much more importance than the operating convenience which would be gained by permitting either company to run either of these crossings without a safety stop.

There are several clumps of trees at and near these crossings which obscure the view of trainmen and which should be removed or trimmed high enough to relieve this condition. This matter was previously taken up with the companies by our service department and at the hearing it was stated that this would be done.

I recommend the following form of order.

O R D E R.

Central California Traction Company having filed complaint against the Stockton Terminal and Eastern Railroad Company

asking the Commission to make its order requiring the provisions of a certain agreement regarding the operation of two railroad crossings at grade to remain in force; and a public hearing having been held and the Commission being fully advised in the premises,

IT IS HEREBY ORDERED, That the Central California Traction Company and the Stockton Terminal and Eastern Railroad Company shall hereafter observe the following regulations in the operation of cars and trains at the two railroad crossings at grade in the City of Stockton, one at Cherokee Lane and the other at a point approximately 500 feet east of said Cherokee Lane;

(1) All trains or cars of both companies shall be brought to a full stop at a distance of two hundred (200) feet from the crossing, and shall not pass over the same until it has been ascertained that it is safe to do so.

(2) Signboards with the legend, "RAILROAD CROSSING-STOP" shall be erected by each company along its own track at approaches to each crossing, and these signs shall be located two hundred (200) feet from the crossing where the safety stop is to be made.

(3) When trains of both companies approach a crossing at the same time, passenger trains of the Central California Traction Company shall have precedence over passenger or freight trains of the Stockton Terminal and Eastern Railroad Company, and passenger trains of the Stockton Terminal and Eastern Railroad Company shall have precedence over the freight trains and street cars of the Central California Traction Company. Freight trains of the Stockton Terminal and Eastern Railroad Company shall have precedence over freight trains, freight motors and street cars of the Central California Traction Company.

The Commission reserves the right to make such further orders relative to the operation and protection of said crossings

as to it may seem right and proper.

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 24th day of June, 1916.

Max. Thelen

H. H. Howard

W. H. Foster

Edwin C. Edgerton

Commissioners.