

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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IN THE MATTER OF THE APPLICATION )	
of the County of Yolo, for an order )	
authorizing the construction of a )	
crossing at grade over and across )	Application No. 2220
the tracks of the Southern Pacific )	
Company, at the town of Davis. )	
..... )	

C. C. McDonald and W. O. Russell, for applicant.  
 Geo. D. Squires for Southern Pacific Co.  
 A. G. Bailey for F. G. Schmeiser.  
 J. G. Greive, J. A. Harby in propria persona.

GORDON, Commissioner.

O P I N I O N .

In this application the County of Yolo seeks permission to construct Olive Street at grade over five tracks of the Southern Pacific Company about three hundred (300) feet west of the station building in the unincorporated town of Davis. A public hearing was held on June 8, 1916.

The main line tracks of the Southern Pacific Company run through the southerly side of Davis in a general northeasterly and southwesterly direction. From the east edge of the town the country road runs easterly parallel with the track, and adjacent to it, and on the opposite side of the track from this road is one of the state highways which has recently been constructed, in part, and which, when it is completed, will run on the southerly side of the track to a point about six hundred (600) feet westerly from the crossing now proposed, cross beneath the tracks and follow first Front Street and then Ash Street in Davis to the west. The

Commission in an order sometime ago granted the Highway Commission permission to cross beneath the Southern Pacific tracks at the location proposed.

At the present time the two sides of the track are connected by a crossing known as the Anderson crossing four-tenth of a mile east of the proposed extension of Olive Street and the opening of Olive Street will take traffic from this crossing to such an extent that when it is opened Anderson Street, in the opinion of all witnesses, can be closed and abandoned.

The Highway Commission was not represented at the hearing but it is interested in this application as the ruling of the Commission on the permission asked for herein will materially affect the routing of the traffic which follows the State Highway until the uncompleted section through Davis, which includes the subway, is finished. The position of the Highway Commission is set forth in a letter to the Commission. It is the opinion of that body that the proposed crossing will be a much safer crossing than the Anderson crossing and that it will not be needed when the State Highway subway is completed.

The Southern Pacific opposed the granting of this application on the ground that it has ordered the steel necessary to build the subway and that the granting of this application would delay its construction; and for the further reason that the present Anderson crossing is no more dangerous than the crossing at Olive Street would be. I cannot see that

the opening of Olive Street would in any way delay the construction of the subway and that being the case, the question is which of these two crossings, the Anderson or the proposed Olive Street crossing, will the better serve public convenience when the comparative danger of the two crossings is taken into consideration. There is no question in my mind but that the Olive Street crossing is the one which should be opened. All of the witnesses for the applicant were of the opinion that it would be a safer crossing than is the Anderson crossing and I agree with them. Of the sixty regular trains which pass through Davis, all but four stop at the Davis station. The Olive Street crossing is but three hundred (300) feet from the station while the Anderson crossing is over two thousand (2000) feet away and this, in itself, is evidence that the Olive Street crossing, where all but four trains necessarily pass at slow speed, other things being equal, would be the safer of the two crossings. The other considerations, however, are not equal. At the Anderson crossing road traffic makes two right angle turns, the grades of approach are steep, and it is difficult for these reasons for drivers to see approaching trains. At the <sup>Olive Street</sup> Davis crossing traffic will approach the track on a practically level grade in such a manner that a good view can be had of trains coming from either direction. The Anderson crossing, in addition to the bad features mentioned, crosses four tracks, two of which, the two outside tracks, are frequently occupied by cars standing so close to the crossing that no view can be obtained of the center tracks until vehicle drivers are too close upon them to enable them to stop if a train is approaching.

I have previously said that if Olive Street were opened

across the tracks, the Anderson crossing should be closed. It can then be closed without inconvenience and when the subway on the State Highway is opened this Olive Street crossing can be also closed. Although Olive Street will, as I have said, make a far safer crossing than the Anderson crossing, the large amount of road traffic which will use it, the number of trains which will pass over it and the five tracks to be crossed, make it desirable that a human flagman should protect it as long as it is open. In view of the dangerous condition existing at the Anderson crossing, which was thoroughly gone into at the hearing, I am satisfied that if this crossing remained open, it should be protected by a human flagman. Since it will be closed with the opening of Olive Street, the same protection should be afforded the Olive Street crossing.

It is clear to me that when a subway is constructed the Olive Street crossing, which is but six hundred (600) feet away, should be closed. I am unwilling to recommend an order permitting the crossing to remain open until the subway is built as such an order might have a tendency to postpone its construction but, as I am convinced that it will be built in a year from this date, the Olive Street crossing should be permitted to remain open for that length of time. If the subway is not then built, the Commission, if it desires, can extend this time.

I recommend the following form of order.

O R D E R.

YOLO COUNTY, California, having applied to the Commission for permission to construct Olive Street, at grade, across the tracks of the Southern Pacific Company and a public hearing having been held and it appearing that this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That permission be and the same is hereby granted to Yolo County, California, to extend Olive Street across the tracks of the Southern Pacific Company at the point and in the manner shown by the map attached to this application, said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing this crossing shall be borne by applicant.

(2) The expense of maintaining this crossing thereafter between the tracks and to a point two (2) feet outside of the outer rails of the crossing shall be borne by the Southern Pacific Company.

(3) The expense of maintaining the crossing from a point two (2) feet outside of the outer rails shall be borne by applicant.

(4) The crossing shall be constructed of a width of not less than twenty-four (24) feet with grades of approach not exceeding three (3) per cent and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(5) For the protection of this crossing the Southern Pacific Company shall install a human flagman, who shall be on duty twenty-four (24) hours per day.

(6) The existing crossing over the Southern Pacific tracks, known as the Anderson crossing, shall be legally closed and abandoned as a public highway crossing.

(7) The permission herein granted is granted for a term of one year from the date of this order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation,

maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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 30<sup>th</sup> day of June, 1916.

Max Thelen  
H. B. Reynolds  
Arthur Gordon  
Edwin O. Edgerton

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Commissioner.