

ORIGINAL

Decision No. 4419

Decision No. _____.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

The City of Palo Alto, a
municipal corporation,
complainant.

v

The Southern Pacific Company
a corporation,
defendant.

Case No. 1073.

Norman E. Malcolm, for City of
Palo Alto.

George D. Squires for Southern
Pacific Company.

GORDON, Commissioner.

O P I N I O N.

City of Palo Alto alleges in this complaint that a spur track of the Southern Pacific Company which crosses University Avenue Extension constitutes a menace; that it is dangerous to the safety of the public traveling on the highway; and that it adds to the congestion on the highway, and at times completely blocks travel. The Southern Pacific Company denies these allegations and a public hearing was held on May 31, 1917.

The spur track against which this complaint is directed is approximately one hundred and eighty feet south of the main line track of the Southern Pacific Company, where it crosses the extension of University Avenue. It lies on the southerly border of the station reservation of the Southern Pacific Company and is used principally as a storage track for cars during switching operations in and around the station grounds at Palo Alto.

Witnesses for the complainant testified that at least one accident had taken place at the spur track crossing; and several witnesses testified that they had suffered delays, more or less in extent, on account of its operation.

University Avenue divides the station reservation of the Southern Pacific into two parts. That portion lying west of the street is without trackage, except for the spur track in question. If the Commission should order this track taken up the Southern Pacific Company would be deprived of the use of a portion of its station grounds about eight hundred feet long and one hundred and fifty feet wide; and I am by no means convinced that the danger and delays to the public using the highway are great enough to require the Commission to make an order such as the City seeks.

The crossing can, in the first place, be protected by gates at an expenditure estimated to be \$750. It does not seem to me, however, in view of the many main line crossings on the Southern Pacific lines in California which are absolutely without protection, that such an expenditure would be justified for a crossing used possibly three times a week and then at slow speed. I believe, for the present, that if the Southern Pacific Company will stop all trains before crossing the street and will not proceed until proper signals have been given by a flagman employed for this purpose, or a trainman acting as a flagman, the crossing will be amply protected. As far as delays are concerned, the matter does not appear to be of great importance. Some delays, of course, are to be expected, and the Railroad Company can provide that they do not become excessive.

It developed at the hearing that the City of Palo Alto is making plans which will eventually lead to the separation of grades at University Avenue as well as at other streets in the city. When these plans are complete they may involve the rearrangement

of many tracks of the Railroad Company and it seems to me inadvisable, irrespective of the merits of this particular case, to take steps at this time which may possibly prove to be an embarrassment when the larger scheme is considered.

O R D E R.

A public hearing having been held in this matter; and it appearing, for reasons set forth in the foregoing opinion, that Southern Pacific Company should stop its trains and flag them across University Avenue but that no order should be made requiring the removal of the spur track at this time;

IT IS HEREBY ORDERED, That Southern Pacific Company be and hereby is ordered to stop and flag all trains on this spur track across University Avenue.

IT IS HEREBY FURTHER ORDERED that, as to other matters, this case be and the same is hereby dismissed.

Dated at San Francisco, California, this 19th day of June, 1917.

Max Thelen
H. S. Howard
W. L. Gordon
Edwin O. Edgerton
Frank R. Walker

Commissioners.