

Decision No. _____.

ORIGINAL

Decision No. 5184

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the petition of the)
 CITY OF PALO ALTO for an order granting)
 the privilege of a temporary grade crossing)
 at or near the intersection of Palo Alto) Application No. 3708.
 Avenue and Alma Street in said City over)
 the tracks of the Southern Pacific Company.)

George G. Squires for Southern
 Pacific Company.
 Norman E. Malcom for City of
 Palo Alto.
 Wm. H. E. Hart for Loretta B. Hart.

GORDON, Commissioner.

O P I N I O N

In this application the City of Palo Alto asks permission to construct a temporary grade crossing at or near the intersection of Palo Alto Avenue and Alma Street over the tracks of the Southern Pacific Company.

The matter of constructing a grade crossing at this point was brought before the Commission some five years ago when it refused to grant permission for the construction of a grade crossing but did authorize the construction of a subway. Since that time several supplemental and additional orders have been made, but the subway has not yet been built. Legal complications and the unusual conditions pertaining on account of the war will apparently delay its construction for some time in the future, although the Railroad Company and the City are in accord in desiring it to be built as soon as possible. In the meanwhile, Camp Fremont has been located nearby,

traffic into and out of Palo Alto has greatly increased, and some sort of a crossing is pressingly necessary at the north end of the city.

While I would not be willing to approve the construction of a permanent grade crossing at this point, I believe that under the present circumstances the City of Palo Alto should be permitted to construct a grade crossing at the site of the proposed subway until the legal difficulties, in the way of a grade separation, are removed. The crossing will be rather dangerous and should be protected as amply as possible; in the opinion of both the City and the Railroad Company, as well as our own engineers, a human flagman should be employed during the entire twenty-four hours of the day.

In order that the matter may not be overlooked in the future, I shall recommend that this application be granted for a period of two (2) years only. If at the expiration of that period conditions are such that a subway cannot then be constructed the order can be extended.

I recommend the following form of order:

O R D E R

City of Palo Alto having applied to the Commission for permission to construct a temporary grade crossing over the tracks of the Southern Pacific Company at the point and in the manner shown and more particularly described in the application; 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 the City of Palo Alto be and the same hereby is granted permission to construct a temporary crossing at grade over the tracks of the Southern Pacific Company, near the intersection of Palo Alto Avenue and Alma Street, subject

to the following conditions:

(1) The entire expense of constructing this crossing shall be borne by the applicant. The expense of maintaining the crossing between the rails and two (2) feet outside of the rails shall be borne by the Southern Pacific Company. The expense of maintaining the crossing, except that portion between the rails and two (2) feet outside of the rails, shall be borne by the applicant.

(2) The crossing shall be constructed of a width of not less than twenty-five (25) feet, with grades of approach not exceeding four (4) per cent; and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) For the protection of this crossing the Southern Pacific Company shall cause to be stationed at the crossing a human flagman, who shall be on duty twenty-four (24) hours each day.

(4) The permission herein granted shall expire two (2) years from the date of this order.

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 18th day of June, 1918.

Edwin O. Edgerton

Frank R. Diolar
Commissioners.