

Decision No. 898.

ORIGINAL

Decision No. 898

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Town of Mayfield,	Petitioner,	)
		)
vs.		)
		)
Southern Pacific Company,	Respondent.	)

Case No. 410.

Appearances.

George D. Squires, Attorney, Southern Pacific Company,  
W. A. Beasley, Attorney, Town of Mayfield.

GORDON, Commissioner.

O P I N I O N

This is an application of the town of Mayfield for an Order of this Commission authorizing the construction of Stanford Avenue at grade across the tracks of Southern Pacific Company in the town of Mayfield. The town of Mayfield alleged that public convenience and necessity demanded the extension of Stanford Avenue over and across the tracks of Southern Pacific Company to a connection with Alma Avenue which is parallel with and adjacent to Southern Pacific Company's right of way on the east. Southern Pacific Company denied that public convenience and necessity demanded the construction of this crossing and alleged that the town of Mayfield was sufficiently provided with the present crossing which is located at Lincoln Avenue.

After due notice a hearing was held in Mayfield, Santa Clara County, California, on August 14, 1915, at which hearing all parties interested were duly represented. The testimony showed that Stanford Avenue is a street running east and west through the town of Mayfield, extending from the westerly right of way limits of Southern Pacific Company to a county road which connects with the Quadrangle and buildings of Leland Stanford Junior University. The town of Mayfield is located entirely west of the easterly right of way line of Southern Pacific Company except a small portion of the south part of the town

which would not be affected by the extension of Stanford Avenue over and across the tracks of Southern Pacific Company.

The principal street of Mayfield is Lincoln Avenue, which at present is constructed over and across the tracks of Southern Pacific Company to a connection with Alma Street which parallels and is adjacent to the Southern Pacific Company's right of way on the east. Alma Street extends from Mayfield to Palo Alto and is not improved. The tract east of that portion of Mayfield which would be accommodated by the extension of Stanford Avenue over and across the tracks of Southern Pacific Company is platted and is known as Seale Addition, but is not a part of the town of Mayfield and the streets in this Addition are not laid out in conformity with and would not connect with the streets of Mayfield if projected over and across the tracks and right of way of Southern Pacific Company.

Seale Addition is not thickly populated, in all there being about seventy houses constructed in this addition which is adjacent and tributary to the City of Palo Alto.

The testimony showed that the principal benefit that would be derived if Stanford Avenue was constructed over and across the tracks of Southern Pacific Company would be to people living in the Seale Addition in reaching the rear entrance to Leland Stanford Junior University and to the people living north of Lincoln Avenue and east of the county road which extends from Mayfield to Palo Alto. The subdivision of Mayfield north of Lincoln Avenue and east of the above mentioned county road is known as Evergreen Park and is already tributary to Palo Alto and Leland Stanford Junior University by means of the above mentioned county road which is the westerly limits of Evergreen Park.

The principal benefits that would be derived from the opening of this street across the tracks of Southern Pacific Company would then be to pedestrians and vehicles passing from the territory west of Mayfield through the northern part of the town of Mayfield and on to

Palo Alto, and also to pedestrians and vehicles passing from the Seale Addition and the territory easterly thereof through Mayfield and on to the west. No particular benefit would be derived by the citizens of Mayfield.

People living in the Seale Addition and easterly thereof now have convenient access to Leland Stanford Junior University by means of Embarcadero Road which is the northerly limits of Seale Addition and the southerly limits of the City of Palo Alto and the County Road which leads to the main entrance of the University.

Witnesses admitted that the opening of Stanford Avenue would not benefit that section of Mayfield which is south of Lincoln Avenue and the principal benefit which would be derived seems to be for people who live either east or west of Mayfield in passing through the town.

The town of Mayfield at present is not increasing in population and has not for the past four years and apparently the necessity for a crossing over the tracks of Southern Pacific Company at Stanford Avenue will be no greater in the future than it is now.

The town of Mayfield on the south, west and north is at present occupying all of the land that it will ever be able to for the reason that Leland Stanford Junior University has title to all of the adjacent land which is held by Trust Deed and cannot be sold nor disposed of. The only manner in which land can be used belonging to the University is by lease.

The town of Mayfield now has two routes which lead to Palo Alto. The first by way of Lincoln Avenue, which is the principal street of Mayfield and extends over and across the tracks of Southern Pacific Company to Alma Street, and thence by Alma Street to Palo Alto. The second is by way of the county road, which is now being improved by the State, and which also leads to the main entrance of Leland Stanford Junior University.

The tracks of Southern Pacific Company at this point are on a heavy grade which extends from near Lincoln Avenue to the bridge across San Francisquito Creek north of Palo Alto.

Trains which do not stop at Mayfield pass in both directions at a very high rate of speed and at present there is a movement of approximately seventy-five trains per day over this track. North of Stanford Avenue and west of Southern Pacific Company's tracks are several large eucalyptus trees which obscure the view and would render this a dangerous crossing.

From the testimony and an inspection I am of the opinion that public convenience and necessity do not demand the installation of this crossing and that Lincoln Avenue which is now opened across the tracks of Southern Pacific Company will sufficiently serve the town of Mayfield and adjoining territory. I am of the opinion that this Commission should not grant application for grade crossings of highways over railroad tracks where there is such a heavy movement of trains as obtain at this point unless it can be demonstrated that public convenience and necessity absolutely demand same and that when application is granted under the above conditions the crossing should be safeguarded. The crossing of Southern Pacific Company's tracks at Lincoln Avenue is at present dangerous. The view is obstructed by large eucalyptus trees, freight house and tool house and I recommend that Southern Pacific Company have the tool house removed to some other location where same will not obstruct the view of approaching trains and that the gates and trees be removed which are near the intersection of Lincoln Avenue and Alma Street. Also I recommend that Southern Pacific Company protect the crossing at Lincoln Avenue by installing an automatic bell alarm with a wigwag signal or crossing gates, and that if Southern Pacific Company do not comply with the above recommendation within a reasonable time I then recommend that the Commission take the matter of safeguarding Lincoln Avenue up on its own initiative.

I recommend that the application in the above entitled matter be denied and submit herewith the following form of Order:-

O R D E R

The town of Mayfield, having filed with this Commission its application for an Order granting permission to construct Stanford Avenue at grade across the tracks of Southern Pacific Company, and a public hearing having been held on said application and the Commission finding that public convenience and necessity will not be subserved by the construction of said crossing at grade and that if said crossing is constructed at grade same will be dangerous,

IT IS HEREBY ORDERED that said application be and the same is hereby denied.

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 22nd day of August, 1913.

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*H. Loveland*  
\_\_\_\_\_  
*W. Gordon*  
\_\_\_\_\_  
*Max Thelen*  
\_\_\_\_\_

Commissioners.