

Decision No. 9338

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
CITY OF PALO ALTO for an order of the)
Railroad Commission granting a permanent)
permit to construct a grade crossing at or) Application No. 3708.
near the intersection of Palo Alto Avenue)
and Alma Street.)

Norman E. Malcolm, for Applicant.
C. P. Cooley, for County of Santa Clara.
H. H. Gogarty, for Southern Pacific Company.
D. I. Howard, in propria persona.

BENEDICT, Commissioner:

SUPPLEMENTAL OPINION

In Decision No. 5484, dated June 18, 1918, in the above entitled proceeding, this Commission authorized the construction of a temporary grade crossing at or near the intersection of Palo Alto Avenue and Alma Street over the tracks of Southern Pacific Company, the crossing actually being located in the County of Santa Clara, unincorporated, the authorization therein granted expiring two years from the date of decision.

In this present proceeding the City of Palo Alto asks for an order granting the right to a permanent grade crossing at this same location.

By Decision No. 806, dated July 23, 1913, in Application No. 352, permission was denied the County of Santa Clara to construct a grade crossing at this location, the Commission holding that if a crossing were here desired it should be by means of a subway under the tracks. The order also provided for a division of the expense of constructing the subway, which, however, has not been installed.

A public hearing was held at Palo Alto on June 23, 1921 and the matter was submitted. At this hearing the County of Santa Clara represented that the temporary crossing had proven to be a safe one during the war when the many soldiers who were stationed at Camp Fremont used the crossing - a traffic in excess of the present traffic - and argued for the permanent crossing at grade.

Witnesses for the City of Palo Alto followed this same line of argument and the city's representative brought out the fact that while the city has issued bonds in the amount of \$9500 to pay its proportion of the expense of constructing the subway, because of the increased cost of labor and materials the cost of the subway had risen from approximately \$28,000 to \$55,000, the city was no longer in a position to assume its proportion of the cost, nor was it willing to expend about twice as much. Other evidence was introduced dealing with the relocation of roads and opening up new tracts for home building in the vicinity.

The Southern Pacific Company stated that the original estimate had now increased to about \$55,000 and suggested, in view of the falling market and some uncertainty in the future use of the crossing, due to the construction of roads and homes in the vicinity, that the temporary crossing be continued for two years, at the expiration of which the matter might be finally determined. The railroad also stated that two shifts of flagmen were employed at this crossing at an expense of \$194 each month.

Mr. D. I. Howard stated that he had purchased the property at the corner of Palo Alto Avenue and Alma Street and wished to be placed on record as opposing the subway because of possible damages to his property because of the lowering of the streets at their intersection.

Witnesses for both the city and the railroad were asked where, in their judgment, a subway in Palo Alto would be of most benefit to most people, and in reply stated at or near University Avenue.

The Commission's engineer asked for statistics showing both the vehicular and railroad traffic over the crossing. These data were to be, and have since, been furnished. The following tabulation gives a check of the traffic at both Palo Alto Avenue and University Avenue grade crossings:

CHECK OF TRAFFIC AT PALO ALTO
AVENUE, PALO ALTO.

<u>For 24-hour period starting</u> <u>6:00 a.m. June 26th, Sunday</u>	<u>For 24-hour period starting</u> <u>6:00 a.m. June 27th, Monday.</u>
Automobiles 212	Automobiles 243
Motorcycles 0	Motorcycles 7
Teams 18	Teams 30
Pedestrians 86	Pedestrians 85
Bicycles 13	Bicycles 73
Total - <u>329</u>	Total - <u>438</u>

CHECK OF TRAFFIC AT UNIVERSITY
AVENUE, PALO ALTO.

<u>For 24-hour period starting</u> <u>6:00 a.m. June 26th, Sunday.</u>	<u>For 24-hour period starting</u> <u>6:00 a.m. June 27th, Monday.</u>
Automobiles 4095	Automobiles 3840
Motorcycles 60	Motorcycles 103
Teams 81	Teams 32
Pedestrians 1493	Pedestrians 761
Bicycles 415	Bicycles 351
Total - <u>6144</u>	Total - <u>5087</u>

The train movements are 24 regular passenger trains each way each 24 hours, or a total of 48, and 4 freight trains each way per day, or a total of 8, making a grand total of 56 train movements per day through Palo Alto and across these crossings.

I am impressed both with the statement of witnesses and the traffic counts to the effect that University Avenue seems to be the location of a subway which would best suit public convenience.

and necessity and believe that it might possibly be unwise to expend \$55,000 at Palo Alto when possibly this amount would do much more good if expended in some other location. The traffic counts at Palo Alto Avenue show a light traffic, about eight (8) per cent of that of University Avenue.

From the testimony given concerning proposed roads in the vicinity of the crossing it appears quite certain that within a reasonably short time the present uncertainty as to the location of the proposed roads and the traffic over them will be cleared.

Under these circumstances the logical solution seems to permit the use of the present crossing at grade for approximately two years.

The following form of order, and a similar order in Application 352, is recommended:

SUPPLEMENTAL ORDER

City of Palo Alto having asked for an order making permanent the authority to establish a grade crossing across the tracks of Southern Pacific Company at or near their intersection with Palo Alto Avenue and Alma Street, Palo Alto, as shown on the maps and exhibits, a public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that County of Santa Clara be and the same is hereby authorized to maintain until July 1, 1923, but not thereafter, that certain grade crossing authorized in Decision 5484 across the tracks of Southern Pacific Company at or near the

intersection of Palo Alto Avenue and Alma Street, Palo Alto.

The foregoing Supplemental Opinion and Order are hereby approved and ordered filed as the Supplemental Opinion and Order of the Railroad Commission.

Dated at San Francisco, California, this 9th day of August, 1921.

H. B. Bunker
H. W. Loveland
James M. ...
[Signature]
Commissioners.