

Decision No. 31317.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application of )  
SOUTHERN PACIFIC COMPANY for an )  
order authorizing the construction )  
at grade of a spur track across ) Application No. 22041.  
State Highway, at Madrone Station, )  
County of Santa Clara, State of )  
California. )

ORIGINAL

R. S. Myers, for Applicant.

Frank B. Durkee, for Department of Public Works,  
Protestant.

BY THE COMMISSION:

O P I N I O N

In this application Southern Pacific Company requests authority to construct a spur track at grade across the state highway (U.S. 101) at Madrone Station, in Santa Clara County.

A public hearing was held in this matter before Examiner Hall at San Francisco, September 12, 1936, at which time the matter was submitted.

In the vicinity of Madrone the state highway is parallel to and east of the right of way of the Coast Line of Southern Pacific Company. The spur track involved herein is proposed to branch off the main line, cross the highway to serve the winery of B. Cribari & Sons, located across the highway from Madrone Station.

The winery has occupied its present location for more than fifteen years and its connection with the railroad has been through a pipe line under the state highway, whereby bulk wines were pumped direct from the winery into tank rail cars. This procedure will continue, even if the spur track is built, and it

is proposed to construct the spur track in order to facilitate the handling of inbound empty containers and outbound cased and barrelled goods. Applicant contends that the spur track is necessary to avoid trucking these commodities across the highway in order to reach cars spotted on the siding at Madrone Station. A representative of the winery testified that the cost of loading these cars from a spur track adjacent to the winery would be materially reduced and would eliminate the use of trucks to haul these commodities to Madrone Station.

The record shows that it requires from 10 to 20 truck trips across the highway per carload, and that on an average about two cars are handled both inbound and outbound per week. The record also shows that about 80 per cent of the output of the winery is moved by rail and of this 80 per cent, two-thirds are handled by the pipeline and the remaining one-third loaded in the cars as cased or barrelled goods.

In the event a spur track is constructed, one of applicant's witnesses testified that outbound movements from the winery would usually be between the hours of 11:00 P.M. and 3:00 A.M., and inbound movements between 11:00 A.M. and 3:00 P.M. It was also shown that when a switching movement occurred over this spur, the highway would be blocked for a minimum period of three minutes, but adding the approach time of a signal, each blocking would actually occupy a period of about five minutes. Applicant proposed to protect the crossing by two wigwag signals and agreed it would be advisable to have the crossing flood lighted at night whenever freight movements were made. The cost of constructing this crossing is estimated to be approximately \$4,700.

Testimony shows that the Cribari trucks, when moving from the winery to the railroad, give way to the through traffic on the highway, whereas in the case of train movements, the highway traffic would have to be stopped to allow the train to move over

the crossing.

The Division of Highways of the Department of Public Works who has jurisdiction over the State Highway System, protested the granting of this application and pointed out that traffic over the crossing in the summer time averaged 8,517 vehicles for a 24-hour period, the yearly average, including both summer and winter, being 6,172 for twenty-four hours. The Department's protest was: (1) on the general ground that it did not favor any spur tracks over the highway and (2) that vehicular traffic at this particular location, both trucks and automobiles, was high speed. Furthermore, northbound vehicles and trucks just coming out of the Madrone Subway, situated a short distance to the south, do not get a good view of the crossing until they have come out of the approach cut of the subway.

Applicant has been unable to secure a permit from the Department of Public Works and applicant's representative stated at the hearing that in the event this Commission granted the application, it would not proceed with the work until such permit was received, and advised that in his opinion such a permit was necessary. A representative of the Department of Public Works also stated it was the Department's opinion that such a permit from it would be necessary before actual construction could commence.

The record clearly shows that this winery has been reasonably well served by the railroad in excess of fifteen years by the pipe line and by loading cased goods from trucks to cars at siding at Madrone Station, and it appears that on account of the small number of cars to be handled out of the winery, there is less hazard to traffic by the operation of trucks across the highway than by the operation of switching movements over a spur track crossing.

It is clear that public convenience, necessity and safety do not warrant the construction of this spur track crossing at this location and the application will be denied.

O R D E R

A public hearing having been had before Examiner Hall and the matter having been submitted,

IT IS HEREBY ORDERED that Application No. 22041 of Southern Pacific Company is hereby denied.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at Los Angeles, California, this 3<sup>rd</sup> day of October, 1938.

Raymond J. Kelly  
Leon A. Whitell  
Francis J. Blalock  
Ray L. Kelly

Commissioners.