

ORIGINAL

Decision No. 15003

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the COUNTY OF SANTA CRUZ for an order authoriz- ing the construction of an overhead cross- ing over the tracks of the Southern Pacific Company at Rincon, Santa Cruz County, California.))) APPLICATION NO. 10816)))
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Stanford G. Smith for the County of
 Santa Cruz.
 F. W. Mielke for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the County of Santa Cruz requests authority to construct a crossing of a county road above the track of Southern Pacific Company at a point near Rincon, thereby eliminating an existing grade crossing of this road, and also asks that the Commission apportion the cost of the work between the interested parties.

A public hearing was held at Santa Cruz on March 30, 1925, before Examiner Austin.

This county road leads from Santa Cruz northerly to the Santa Cruz Big Trees, Boulder Creek and the California Redwood Park (Big Basin) and will eventually be a part of one of the routes connecting with the Sky Line Boulevard now being constructed southward from San Francisco. Because of its scenic attractions the road carries a heavy traffic during the summer months, especially on Sundays. It is paved with concrete from Santa Cruz to Boulder Creek, with the exception of certain short gaps where future improve-

ments are contemplated. One such gap is at Rincon, where the County desires to change the route of the road for a distance of approximately three-quarters of a mile for the purpose of avoiding a grade crossing with the tracks of Southern Pacific Company.

In ascending from Santa Cruz both the railroad and the county road use the westerly slope of the San Lorenzo Canyon, the road at first being east of and below the railroad. Immediately south of Rincon it ascends toward the track on a grade of seven or eight per cent, crosses at an angle of forty-five degrees and continues on up the mountain on the westerly side of the railroad right of way, the road being approximately parallel to the track on both sides of the crossing. Besides the hazards of the acute angle of crossing and the steep grade, the view is obscured by trees, brush and the cut and embankment slopes of the railroad. Southbound trains, being on the descending grade, drift toward the crossing with slight noise, adding considerably to the danger at this point. The crossing is protected by an automatic flagman.

There is apparently no disagreement over the desirability of eliminating the grade crossing, Southern Pacific stipulating at the hearing that public convenience and necessity require the construction of the overhead crossing.

Representatives of both the County and the railroad agree that it is impractical to separate the grade at the site of the present crossing. The County proposes that the road be continued northerly along the easterly side of the track for a distance of approximately 3,250 feet to a point near the northerly end of Rincon siding where topographical conditions are suitable for

the construction of an overhead crossing. To accomplish this, however, it will be necessary to shift the railroad track for a portion of this distance westerly into the area now occupied by the county road and ^{to} construct the highway on what is now the roadbed of the railroad. At the site of the proposed crossing there are now two tracks, the northerly switch of Rincon yard being 100 feet north of the point of crossing. The overhead structure could be constructed with shorter span if this switch were moved south and the siding shortened 100 feet, but the railroad desires to retain at least the present length of siding and contends the possibility of future second track should also be considered. For this reason it is proposed that the tracks be rearranged and distance between tracks made such that a pier of the overhead structure can be placed between the main line and the siding and proper clearance with each maintained.

Southern Pacific Company stated that it had no other plan of grade separation to offer and that its only objection to the proposed change was that the railroad roadbed would be moved further into the hillside with the result that its maintenance cost would, thereby, be increased. The plan as proposed by the county appears, however, to be the most practical and economical method of eliminating the existing grade crossing and in the opinion of the Commission it should be carried out substantially as shown on Applicant's Exhibit No. 1.

It is also requested that the Commission apportion the cost of the grade separation between the interested parties. The County of Santa Cruz stated that in its opinion the railroad company should bear one-half of the cost of the entire project. Southern Pacific Company, on the other hand, argues that it should participate only in the cost of the structure carrying the highway over their tracks, and offered to bear one-half of the cost of

such structure. It appears to the Commission that the result to be attained is the elimination of a hazardous grade crossing and not the construction of a bridge over the carrier's tracks, and since no other practical or less expensive method of accomplishing this result is apparent and the entire project as proposed by the county is necessary to effect the separation of grades it can only be considered as a unit and the apportionment of cost determined by the benefits accruing to each party.

If the elimination of this grade crossing were the only benefit to either party it would be fair to divide the cost equally between the applicant and the railroad company, but in this case this major improvement is modified by certain minor advantages or detriments to the county road and the railroad roadbed, which should be considered in arriving at an apportionment of the cost.

The carrying out of this project relieves the County of the expense of reconstructing and improving the existing road, which could be rebuilt in approximately its present location and still maintain the limits of grade, curvature and width which have been adopted for this highway. It is proper that the estimated cost of so doing be deducted from the cost of the grade elimination project. The County presented at the hearing an estimate of \$66,485.00 for the project, as outlined in the application, and has subsequently filed with the Commission plans and an estimate of \$5,404.62 for building a road without eliminating the grade crossing. Of the estimated total cost of the project \$5,404.62 is, therefore, solely for the benefit of the County.

In addition to this the alignment of the proposed road is better than could be obtained in rebuilding the present location, the amount of curvature within the limits of the line change being

less than half, and two dangerous "blind" curves will be eliminated. The county is also securing a fully stabilized roadbed and will be relieved of the maintenance of the upper slopes which during heavy rainfall may cause slides. Because of the importance of this road these items are of considerable value to the county and should be taken into account in apportioning cost.

There exists at the present time a private overhead crossing over the railroad track connecting the land of Henry Cowell lying east of the track with the county road in its present location. Southern Pacific Company is obligated to maintain this timber bridge but it is probable that relocation of the highway on the east side of the track would obviate the necessity for this crossing and Southern Pacific Company may, therefore, be relieved of its further maintenance. The bridge is at present in unsafe condition and is not in use. The cost of restoring it to a safe and reasonable state of repair is estimated to cost \$1,150.

The shifting of the track effects a slight betterment in the line and grade of the railroad, one three degree curve 265 feet in length being eliminated and maximum grade reduced, but it is contended by Southern Pacific Company that maintenance of its roadbed will be rendered more difficult and expensive because of shifting the track further into the hillside and that frequent slides can be expected until the new slopes are stabilized. It is possible that this burden of additional maintenance on the railroad will substantially outweigh the slight improvement of line and grade that will result.

Giving due consideration to these several advantages and disadvantages it appears to the Commission that the County of Santa Cruz will receive considerably more direct benefit with no

offsetting disadvantages from the carrying out of this project than will the railroad company and that twenty-five per cent of the cost of the project, therefore, should be borne exclusively by the county and the remaining seventy-five per cent divided equally between the County of Santa Cruz and Southern Pacific Company. This will result in a division of cost for the project of 62½% to the applicant and 37½% to the railroad.

O R D E R

The County of Santa Cruz having made application for an order authorizing the construction of a public road crossing over the tracks of Southern Pacific Company at a location near Rincon, Santa Cruz County, and apportioning the cost thereof, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the County of Santa Cruz and Southern Pacific Company be and they are hereby directed to eliminate the grade crossing of the county road with the tracks of Southern Pacific Company at Engineer's Station 4052+60 on said railroad by the construction of a crossing above the tracks of Southern Pacific Company at the location and in the manner hereinafter specified, said crossing to be constructed subject to the following conditions, viz:

(1) The relocation of the county highway and the railroad tracks necessary to effect the grade separation shall be substantially as shown in applicant's Exhibit No. 1.

(2) The point of crossing shall be approximately at Engineer's Station 4020+07 on the constructed line of Southern Pacific Company near Rincon, Santa Cruz County, as shown by the

map (Proposed Relocation of Southern Pacific Railroad and County Highway) applicant's Exhibit No. 1.

(3) The structure carrying said road over Southern Pacific Company tracks shall be constructed in accordance with detailed plans and specifications which shall be filed with and approved by this Commission. It shall provide space for two parallel tracks with pier or other supporting member placed between the tracks.

(4) Said crossing shall be constructed with clearances conforming to provisions of the Commission's General Order No. 26-A.

(5) Applicant shall within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.

IT IS HEREBY FURTHER ORDERED that the cost of said overhead crossing, exclusive of roadway paving, shall be apportioned on the basis of sixty-two and one-half ($62\frac{1}{2}$) per cent to the County of Santa Cruz and thirty-seven and one-half ($37\frac{1}{2}$) per cent to Southern Pacific Company. The cost of roadway paving shall be borne exclusively by the County of Santa Cruz.

IT IS HEREBY FURTHER ORDERED that the future maintenance of the crossing be borne by applicant.

For all other purposes, the effective date of this order shall be twenty days from and after the date hereof.

Dated at San Francisco, California, this 3rd day of June, 1925.

W. B. ...

George D. ...
Commissioners.