

Decision No. 16885-

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA for permission
to construct Kalana Avenue, a public
highway, across the right of way and
tracks of the Southern Pacific Company.

Application No. 12,353.

C. C. Coolidge for County of Santa Clara

Henry W. Hobbs for Southern Pacific Company

BY THE COMMISSION:

O P I N I O N

In application No. 12,353, the County of Santa Clara has requested authority to construct a crossing of an extension of Kalana Avenue at grade over the main line and passing track of Southern Pacific Company in the vicinity of Perry station.

A public hearing was held at San Jose on March 19, 1926, before Examiner Austin at which hearing Southern Pacific Company opposed the granting of the application.

Perry station is a passing track and flag stop on the main line of Southern Pacific about fifteen miles south of the City of San Jose. In this vicinity the State Highway is parallel to and on the easterly side of the railroad right of way and the territory on the opposite side of the tracks is reached by lateral roads extending westerly across the railroad to the low hills a mile or more distant. One of these lateral roads, Kalana Avenue, is intercepted by the railroads right of way and it is the extension of this road across the tracks that is the subject of the above application.

Seventeen hundred feet north of Kalana Avenue a parallel road, Palm Avenue, crosses the track and leads westerly to the hills, and Diana Avenue, a second lateral road parallel to Kalana Avenue and 1700 feet to the south thereof also crosses the track. Diana Avenue and Palm Avenue are connected by Fisher Avenue, a north and south road parallel to and about 4000 feet from the railroad. This road also crosses Kalana Avenue. There is also a connection between Palm Avenue and Kalana Avenue known as Third Street, distant 1050 feet from the railroad right of way line. Railroad Avenue parallel and adjacent to the Southern Pacific right of way extends from the easterly terminus of Kalana Avenue to the Diana Avenue crossing. Third Street and Railroad Avenue while dedicated for road purposes on the map and actually used as such have never been accepted by the county and are therefore not publicly maintained.

In addition to these roads there is also a traveled way just outside of the railroad right of way extending northerly from Kalana Avenue to Palm Avenue. Part of this is reserved for road purposes but a portion of this route is apparently permitted by sufferance only. Practically all of the land reached by these roads between the railroad and Fisher Avenue is subdivided into ten acre lots and is planted to orchards.

It is the contention of the applicant that the lack of a crossing at Kalana Avenue puts the residents and owners of property fronting on this Avenue to considerable inconvenience and that land values and sales of land on this road were materially affected. The map filed by the county shows that fourteen of the lots above referred to front on Kalana Avenue and that five of these also front on one of the other described roads. The property fronting on Kalana Avenue east of Fisher Avenue appears to be in eight different ownerships and there are four

owners west of Fisher Avenue. According to the record there are seven actual residents in the entire length of Kalana Avenue.

Of the above described roads the three east and west laterals, Palm, Kalana and Diana Avenues are paved with gravel. Fisher Avenue, the connecting north and south road is also surfaced with gravel. Railroad Avenue and Third Street, which would form convenient outlets to the south and north from Kalana Avenue are not improved and for this reason it is claimed that much of the traffic in and out of the district uses Fisher Avenue to reach one of the east and west laterals which cross the track.

The crossing desired involves not only the crossing of the main line track but also a passing track which according to the record is in daily use for the meeting of trains. There is a particular hazard at crossings of this nature in that the presence of a train on the passing track badly obscures the view of the mainline at a time when danger exists. For this reason crossings over passing tracks should be avoided wherever possible.

The view of the track from the road approaching the crossing from the west is partially cut off by the trees in the adjacent orchards, photographs submitted by Southern Pacific Company indicating that at a point sixty-five feet from the track the view of the track in both directions is badly obscured although at a point forty feet from the center of track, a fairly open view is obtainable. It is contended that better visibility obtains at this proposed crossing than at either the Palm or Diana Avenue crossings but it is not apparent wherein such comparison may be considered as a reason for opening a new crossing with poor visibility unless it is proposed to close one or both of the latter crossings.

There is also an inherent hazard peculiar to crossings

over railroad tracks which are adjacent to heavily traveled highways. Drivers approaching the highway are intent on finding an opening in the highway traffic for turning in or crossing, while vehicles turning off the highways onto such crossings suffer a disadvantage in that trains from one direction approach directly from the rear. A certain number of such crossings are necessary to properly develop the country on the far side of the railroad track but the number should be limited. By concentrating traffic at fewer grade crossings better protection can be afforded and in time perhaps the grade crossings eliminated. In the present case two crossings now exist approximately 3400 feet apart and it would appear that in a farming and fruit growing district such as this, shorter intervals are unnecessary particularly when existing roads permit access to all portions of the intervening district. While all of these roads are not in proper condition to invite travel, it is apparently possible as far as distance is concerned, for any property owner on Kalana Avenue to travel to any point on the Highway either north of Palm Avenue or south of Diana Avenue over existing open roads in practically the same distance as though the Kalana Avenue crossing were open. There is apparently no reason why the county cannot accept and undertake the proper maintenance of Railroad Avenue and Third Street and it is suggested that this be done in lieu of creating the hazard of an additional grade crossing.

The opening of the crossing would possibly increase the value of the land fronting on Kalana Avenue and perhaps promote its more ready sale. It is not apparent, however, wherein this is a valid reason for opening a new crossing. This land was purchased by its present owners with full knowledge that the crossing was not open and it must be presumed that the purchase price reflected any depreciation in value due to that fact. It

is not the policy of this Commission to grant grade crossings merely to promote the sale of real estate, and since the agricultural resources of this tract are apparently as fully developed as any of the surrounding lands in that it is practically all planted to bearing orchards, there is apparently no public need for frequent changes in ownership.

The slight convenience that the seven residents of Kalana Avenue would gain until such time as all the roads within the tract are suitably paved, does not warrant the opening of an additional grade crossing and the application will, therefore, be denied.

O R D E R

The Board of Supervisors of the County of Santa Clara having made application for permission to construct a public highway at grade across the tracks of Southern Pacific Company at Kalana Avenue in the vicinity of Perry Station, 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 above entitled application be and it is hereby denied.

The effective date of this order shall be twenty days from the date hereof.

Dated at San Francisco, California, this 11th day of June, 1926.

W. B. Brundage
Chairman
Leon Whitely

COMMISSIONERS.