

Decision No. 17917

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the City of Santa Cruz for an
order authorizing continued main-
tenance and reconstruction at present
elevation of East Cliff Drive Viaduct

ORIGINAL

Application No. 13,230

J. L. Johnston, for City of Santa Cruz.
Harry See, for Brotherhood of Railroad Trainmen.

BY THE COMMISSION:

O P I N I O N

This is an application by the city of Santa Cruz for permission to reconstruct a bridge carrying a street over a track of Southern Pacific Company at clearances less than those prescribed in this Commission's General Order No. 26-a. A public hearing was held at Santa Cruz on November 12th, 1926, before Examiner Austin. At this hearing the Brotherhood of Railroad Trainmen appeared and protested the granting of the application.

The bridge under consideration carries East Cliff Drive over the main track of Southern Pacific Company's Santa Cruz-Watsonville branch in the vicinity of Seabright station. It is of timber construction and crosses the track at a point where the railroad is in a deep cut. The present clearance above the rails is approximately eighteen feet, or four feet less than the minimum clearance of twenty-two feet required by the Commission under General Order 26-a for a structure of this nature. This overhead crossing has been in place for at least twenty-five years, and while the present application is made by the City of Santa Cruz,

it appears that Southern Pacific Company is obligated by franchise requirement to maintain it.

The City of Santa Cruz is at present improving the East Cliff Drive, an important easterly outlet and pleasure drive which carries considerable traffic, especially during the summer season. The bridge is in such condition that extensive repairs and renewals will soon be required. The City desires to have a sidewalk and a wider driveway provided, and has requested the railroad company to make these repairs and improvements. In order to raise the structure four feet and thus provide a clearance of twenty-two feet above the rails, it appears that changes will have to be made in the approaches and the alignment of the connecting roadways. It is claimed that the cost of these changes will amount to a considerable sum, the greater part of which would be property damage. No estimate was presented at the hearing to show the cost of this improvement, but the City Engineer stated that, in his opinion, the total expense of completely renewing the structure and raising it to standard clearance might be as great as \$20,000. The actual expense of simply raising the bridge four feet would be comparatively small.

Statistics presented by the Brotherhood of Railroad Trainmen show that in the United States during the last three years 65 persons have been killed and 327 injured in accidents resulting from insufficient overhead clearances. It appears that at this location brakemen and switchmen, in performing their duties, would be very apt to be riding on the top of cars, in fact the company's rules would require that certain members of the crew be in such position. As the majority of box cars operated over the Southern Pacific lines are from 12 to 15 feet in height, and as quite a number of Southern Pacific Company's own cars are 15 feet or more in height, a clearance of but eighteen feet does not provide sufficient space for a man of average height to stand erect on top

of a car. The Commission has, after very exhaustive study in which many of the carriers of the state participated, adopted its General Order No. 26-a, prescribing the minimum clearances which, in its judgment can be safely maintained over or adjacent to railroad tracks. As before stated, the minimum clearance required under General Order No. 26-a is twenty-two feet and except for the additional cost, there appears no reason why this clearance should not be established in the present instance. In fact we believe the hazard to trainmen sufficient to call for the complete abolishment of this non-conforming clearance and the immediate establishment of full legal clearances.

Southern Pacific Company entered no formal appearance in the hearing but an attorney representing that company stated for the record that the company desired to co-operate with the City in this matter and that Southern Pacific Company did not object to the eighteen feet clearance.

The City appears to be in some doubt as to who should stand the expense of raising the bridge to standard clearance. Southern Pacific Company is apparently legally bound to bear the cost of any repairs or additions to the actual structure, but whether or not that obligation extends to the approaches has not been determined. The City of Santa Cruz does not request, in the present application, that the Commission apportion the cost of renewing this structure and no attempt will, therefore, be made to determine at this time wherein the responsibility lies for carrying out the requirements of General Order No. 26-a, in case the structure is to be rebuilt. The present application petitions simply for an order authorizing the reconstruction and continued maintenance of the viaduct at the present elevation, which does not provide standard overhead clearance as prescribed in the Commission's General Order No. 26-a. From the record it appears that this application should be denied.

ORDER

The City of Santa Cruz having made application for an order authorizing the continued maintenance and reconstruction of a viaduct over a track of Southern Pacific Company at clearances less than those prescribed in the Commission's General Order No. 26-a, 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.

Dated at San Francisco, California, this 18th
day of January 1927.

James E. [Signature]

Al [Signature]
Leon [Signature]

Howe [Signature]

Commissioners.