

Decision No. 18154.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the Board of Supervisors of  
Santa Cruz County to construct  
a road crossing under the tracks  
of Southern Pacific Company in the  
vicinity of Aptos.

ORIGINAL

Application No. 13109.

David C. Clark, Deputy District Attorney, for Applicant.  
F. W. Mielke and George W. Smith, for Southern Pacific  
Company.  
E. J. Bias, for Seacliff Company.

BY THE COMMISSION:

O P I N I O N

This application, which is filed in the form of a Viewers Petition as provided in Section 2694 of the Political Code, proposes the construction of a public road underneath the track of Southern Pacific Company in the vicinity of Aptos. In accordance with the provisions of the Political Code, a public hearing was held in the rooms of the Board of Supervisors at Santa Cruz on September 28th, 1926, before Examiner Austin.

The road covered by this petition is proposed as an alternate route for a short section of the main Santa Cruz-Watsonville Highway through a recently developed sub-division known as Sea Cliff Park. This sub-division, which lies immediately west of Aptos Creek, fronts on Monterey Bay for a distance of a mile or more and extends back to the adjacent foothills. It is traversed by the Southern Pacific Company's Santa Cruz Branch in addition to the main County High-

way mentioned above, the railroad running approximately parallel to and a quarter mile distant from the shore line of the bay and the highway is still further inland. In approaching from Santa Cruz toward the easterly side of the Sea Cliff property in the vicinity of the road change proposed in this application, the main highway turns toward the shore line and approaches the railroad track at approximately a right angle and crosses the track under the west approach of the steel bridge carrying the railroad across the Aptos Creek ravine. Immediately after crossing under the railroad bridge the highway makes an extremely sharp curve to the left and crosses the creek on a wooden structure which is parallel and adjacent to but at a lower elevation than the railroad bridge. The highway continues along the southerly side of the track through the town of Aptos and thence easterly to Watsonville.

The dangerous curve at the undergrade crossing at Aptos Creek has been the cause of many accidents and several deaths. The creek banks at the end of the right angled curve are steep and precipitous and vehicles failing to make the curve plunge over the bank which makes a sheer drop of forty or fifty feet to the bed of the creek. This highway carries a great deal of through travel and as the surrounding country has many beach and mountain resorts, much of this travel is unfamiliar with local hazards. For many years the county has considered the desirability of improving the highway alignment at this undergrade crossing. The necessity of renewing the timber bridge over Aptos Creek requires a solution of the problem in the very near future and as the manner and location of the railroad crossing has considerable bearing on the design of the new bridge, the county is anxious to arrive at some solution for improving the approach to the undercrossing.

The alternate route offered by the road proposed in the

Viewers Petition now before the Commission is one such solution. Under this plan, a new road would diverge from the existing highway at a point about 4000 feet toward Santa Cruz from the present undergrade crossing and would pass diagonally across the Sea Cliff Park holdings and under the railroad track at a point some 2000 feet west of the present crossing where topographical conditions appear favorable to the construction of a subway. From this new undercrossing, the road would turn through a curve of somewhat longer radius than the one at the present subway into a street of the Sea Cliff subdivision and parallel the track to a connection with the existing road in the vicinity of Aptos Creek. This plan is sponsored by the promoters of Sea Cliff Park who have offered to donate the right-of-way and perform the necessary grading and drainage work, the county to assume its share of the subway cost and to pave the road.

It is not proposed, however, to abandon the existing road between the termini of the new road and there appears to be considerable doubt that the existing route with its dangerous undergrade curved approach could be abandoned, although there is some evidence that another connecting road could be constructed which might permit closing the crossing.

There appears to be a question in the minds of most of the witnesses in this proceeding as to whether this new road is the proper solution of the problem and at least two of the three viewers appointed by the county to inspect and report on the route of the proposed road stated that they believed a better method of improving the dangerous undergrade curved approach was possible.

A plan illustrating one such method was introduced at the hearing. This plan provides for a highway bridge crossing Aptos Creek under the railroad structure but at an angle of about thirty degrees. The present railroad span is of deck truss construction, 125 feet in length, and in order to obtain proper clearance for the highway a through span of similar length would have to be substituted. No cost

estimates of carrying out this plan are available from the present record but the work would probably be quite expensive.

Although these two plans are the only ones which have been presented to the Commission, it may be that other plans of merit, could be developed through thorough engineering study by the interested parties.

There can be but little doubt that a dangerous condition exists at the present undergrade crossing of the highway with the railroad track, and the Commission believes that some steps should be taken to afford relief. The instant proceeding is not one under which the Commission can proceed to grant authority to correct the conditions at this location as the matter at present before us is consideration of a Viewers Petition seeking the action of the Commission prescribed in Sec. 2694 of the Political Code and concerns merely the opening of a new road under the track in Sea Cliff Park. It appears, however, that the real issue is not so much the opening of this new road across the tracks as it is the correction of dangerous conditions at an existing crossing and that the present application covers but one suggested method of correcting those conditions. We believe that before either the County or the railroad company is committed to a single solution of the problem the relative merits of other methods of correcting the condition be given proper consideration. To that end, it is recommended that a comprehensive proceeding be brought before the Commission under which the Commission may be at liberty to determine what, if any, method of relief from the conditions complained of shall be carried out and to apportion the cost of such changes to the grade separation between the interested parties.

The present application will, therefore, be dismissed without prejudice, but if the interested parties do not, within a

reasonable time, bring such a proceeding as outlined above before the Commission, or otherwise enter upon some means of relief, the Commission itself may on its own motion institute an investigation and make such orders as appear necessary.

O R D E R

The Board of Supervisors of Santa Cruz County, having filed with this Commission, under the provisions of Section 2694 of the Political Code of California, a certified copy of a petition of freeholders of said County for the construction of a certain road, together with a certified copy of the order of the Board of Supervisors appointing viewers to view said road, which road crosses the track and right-of-way of Southern Pacific Company in the vicinity of Aptos, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore

IT IS HEREBY ORDERED that the above entitled proceeding be and it is hereby dismissed without prejudice.

Dated at San Francisco, California, this 4<sup>th</sup> day of April ~~February~~, 1927.

\_\_\_\_\_  
\_\_\_\_\_

Commissioners.