

ORIGINALDecision No. 19031

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 con-
 struct Bloomfield Avenue, a public highway,
 across the rights of way and tracks of the
 Southern Pacific Company.

} Application
 } No. 13587

John R. Fitzgerald for Applicant.
 Henry W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION -

O P I N I O N

The Board of Supervisors of the County of Santa Clara has petitioned the Railroad Commission for an order authorizing the construction of two crossings at grade over tracks of Southern Pacific Company in the vicinity of Gilroy, one being over the main line track near a station known as Nema and the other over the Hollister Branch at a point about one mile south of its junction with the main line at Carnadero.

A public hearing on this application was conducted by Examiner Handford at Gilroy on August 11, 1927, at which time the matter was duly submitted for decision.

Southward from Gilroy, the State Highway (Monterey Road) follows in a general way the main line track of the Southern Pacific Company, although at places it is a half mile or more to west of the railroad. At a point some two miles south of Gilroy, a road leading to Hollister leaves the main highway and runs southeasterly along the bank of Carnadero Creek crossing the main line track and a mile farther on crosses the Hollister Branch. From this point southward to the county line the Hollister Road is approximately parallel to the Hollister branch. At a point about 500 feet south of its first crossing with the Hollister branch the road again crosses back to the westerly side of the track, on account of a bend in the channel of Carnadero Creek which puts the

the east bank of the creek so close to the track that there is not enough space for a highway.

A road known as Bloomfield Avenue, which serves the farming community to the northeast of the Hollister Branch, enters the Gilroy-Hollister road from the east between the two crossings referred to. At present the Hollister Road is the westerly terminus of Bloomfield Avenue but it is proposed to extend it westerly across the Hollister Branch through a recently developed subdivision lying between the Hollister Branch and the main line to a connection with the Monterey Road about one mile south of the present junction of the Hollister Road with the Monterey Road. In addition to the crossing of the Hollister Branch, a crossing over the main line track will also be required and it is these two crossings which are the subject of the present application.

In connection with the proposed crossing over the Hollister Branch, it is proposed to eliminate the two existing crossings over this track by the Gilroy-Hollister road by constructing a channel change in Carnadero Creek and relocating the road entirely on the westerly side of the track at a cost of approximately \$20,000. If this is done, a single crossing of Bloomfield Avenue with the branch line of railroad is all that will be required. Southern Pacific Company offers no objection to the change proposed. It does, however, object to the opening of a new crossing over its main line as proposed in the application contending that existing crossings are adequate to serve the public need. The main line crossing would be at right angles to the track, would have approach grades of 2.68% and 3.25% and there does not appear to be any serious obstruction to the view. The record shows that there are 18 daily passenger train movements and 3 regular and several extra freight trains at this point. It is believed that this crossing should be granted if public convenience and necessity requires a crossing at this point.

Bloomfield Avenue at present extends northeasterly from the Hollister Branch some two or three miles but an extension eastward to permit a connection with the Pacheco Pass route to the San Joaquin Valley is proposed and the convenience that will be offered by the direct connection to the State Highway by way of Bloomfield Avenue is one of the reasons urged by the applicant for the opening of the two crossings.

It is also claimed that the proposed connection of Bloomfield Avenue with the State Highway is needed for the development of the back country lying east of the Hollister Branch and would prove a great convenience to people living in such territory. It appears, however, that Gilroy is the nearest point and trading center and that most of the travel from the so-called back country would have Gilroy as its objective. Such being the case, it would appear that the existing Gilroy-Hollister road along the bank of Carnadero Creek would afford the shorter route into Gilroy. The proposed Bloomfield Avenue extension would, however, provide a shorter route for travel desiring to proceed southward along the Monterey Road or to the Coast by way of Watsonville and Santa Cruz. It would also prove a convenience in moving cattle in and out of the Frazier Lake country and Pacheco Pass.

A representative of the real estate firm promoting the subdivision of the property which would be traversed by the proposed extension of Bloomfield Avenue, testified the proposed grade crossing with the main line is not necessary as an outlet from the tract, nor is it required for a proper subdivision of the land. While the present layout of the streets in the tract is based on the opening of such a main line crossing, it appears that a northerly outlet to the Gilroy-Hollister road with a bridge over Carnadero Creek is entirely feasible. It also appears from his testimony that another road entirely on the easterly side of the track which will provide a direct route from the territory east of the Hollister Branch into the City of Gilroy is under consideration.

From the record in this proceeding, we are not convinced that local needs require the opening of an additional grade crossing over the main line of the Southern Pacific Company in this vicinity, but there is no doubt merit in the contention that the proposed road, when opened easterly to a connection with the Pacheco Pass route, will prove a convenience to southbound travel and to stock men in moving their herds to and from the Pacheco Pass. We believe that when the proposed connection eastward from the present easterly terminus of Bloomfield Avenue to the Pacheco Pass is opened, the crossing of Bloomfield Avenue over the main line of the Southern Pacific Company can well be constructed and the order herein will so provide.

There being no objection to the crossing over the Hollister Branch and the proposed road change in the Gilroy-Hollister road being a desirable improvement in line with public policy regarding the elimination of unnecessary grade crossings, the application for this crossing will also be granted.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being now fully advised,

IT IS HEREBY FOUND AS A FACT, on the record herein, that public convenience and necessity require the establishment of a public crossing at grade over the Hollister Branch track of Southern Pacific Company at the point hereinafter described; and,

IT IS HEREBY FURTHER FOUND AS A FACT, on the record herein, that the establishment of a crossing of Southern Pacific Company over the main line track, as herein applied for, is not justified by the present existing conditions but that if and when the County of Santa Clara constructs a road from the present easterly terminus of Bloomfield Avenue to provide a connection to the Pacheco Pass Highway, then and not otherwise, will public convenience and necessity require the establishment of a public crossing over the main line track at the point hereinafter described.

IT IS HEREBY ORDERED that permission and authority be and it hereby is granted to the Board of Supervisors of the County of Santa Clara, State of California, to construct a county road known as Bloomfield Avenue at grade across the Hollister Branch track of the Southern Pacific Company and main line track of the Southern Pacific Company at points in the vicinity of Gilroy, as shown by the maps attached to the application and particularly described as follows:

BLOOMFIELD AVENUE MAIN LINE CROSSING.

Beginning at an iron pipe set at the intersection of the center line of Bloomfield Ave. with the westerly line of the right of way of the Southern Pacific Railroad Company as shown upon the Map of the Jas. A. Clayton & Co.'s Sub-division of a part of Las Animas Ranch Lot No.66 in the Las Animas Rancho, recorded in the Office of the Recorder of Santa Clara County, Calif. in Map Book U at page 52 and 53; thence from said point of beginning South 81 degrees 18 minutes East one hundred feet (100.00 ft.) to an iron pipe set at the intersection of the easterly line of the right of way of the Southern Pacific Railroad Company with the center line of Bloomfield Ave. as shown on the above mentioned Subdivision and being a strip of land of the uniform width of fifty feet (50.00 ft.) twenty-five feet (25.00 ft.) on each side of the above described line.

BLOOMFIELD AVENUE HOLLISTER BRANCH CROSSING

Beginning at a point at the intersection of the center line of Bloomfield Ave. with the westerly line of the right of way of the Southern Pacific Railroad Company Hollister Branch, as shown upon the Map of the Jas. A. Clayton's & Co.'s Subdivision of a part of Las Animas Ranch Lot No.55 in the Las Animas Rancho, recorded in the Office of the Recorder of Santa Clara County, Calif. in Map Book U at page 54, 55 and 56; thence from said point of beginning north 40 degrees 36 minutes E. one hundred and fifty-two hundredths feet (100.52 ft.) to a point at the intersection of the easterly line of the right of way of the Southern Pacific Railroad Company Hollister Branch, with the center line of Bloomfield Ave. as shown on the above mentioned Subdivision and being a strip of land of the uniform width of fifty feet (50.00 ft.); twenty five feet (25.00 ft.) on each side of the above described line.

The above crossing of the Hollister Branch shall be identified as Crossing No. EB 84.05 and the crossing of the main line shall be identified as Crossing No. E-85⁶.

Said crossings shall be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two feet (2') outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two feet (2') outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossings shall be assessed by applicant in any manner whatsoever to the operative property of the Southern Pacific Company.

(2) The crossings shall be constructed of a width not less than 24 feet and at angles not less acute than 35 degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of the crossing of said Bloomfield Avenue with the main line track of Southern Pacific Company, said automatic flagman to be of the type and installed in accordance with plans or data to be submitted to and approved by this Commission.

(4) Said crossing with the main line track shall not be opened until such time as a road connecting the present easterly terminus of Bloomfield Avenue with the Pacheco Pass Highway shall have been constructed and opened for travel.

(5) Two existing public crossings of the Hollister Road with the Hollister Branch track of Southern Pacific Company, one of which is located approximately 100 feet to the northwest and

the other approximately 350 feet to the southeast of the crossing of said Hollister Branch, herein authorized, shall be legally abandoned and effectively closed to public use and travel. Said crossings that are to be closed are further identified as Crossing No. E.B.-84.0 and Crossing No. E.B. 84.1, respectively.

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

(7) If said crossings, or either of them, shall not have been installed within one year from the date of this order, the authorization herein granted, in so far as it applies to such uninstalled crossings or crossing, shall then lapse and become void, unless further time is granted by subsequent order.

(8) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of November, 1927.

Edmund D. [Signature]
Chas. [Signature]
Leon [Signature]
Thos. [Signature]
M. A. [Signature]
 Commissioners.