

ORIGINAL

Decision No. 20381

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 Martinvale Road, a public highway, across the Right-of-Way and tracks of the Southern Pacific Railroad Company.

Application No. 14646.

John P. Fitzgerald, for the County of Santa Clara.
 H. W. Hobbs, for Southern Pacific Company.
 M. W. Sanborn, for the Department of Public Works, Division of Highways.

BY THE COMMISSION:

O P I N I O N

In this application the County of Santa Clara requests authority to construct a public road, known as Martinvale Road, at grade across the tracks of Southern Pacific Company in the vicinity of Pomar Station, seven miles south of the City of San Jose. A public hearing was held at San Jose on August 20, 1928, before Examiner Williams.

Martinvale Road is a newly dedicated county road extending at right angles westerly from the railroad and the state highway. In this vicinity the state highway is located contiguous to the easterly right-of-way line of Southern Pacific Company's main line Coast Division track. The proposed crossing over the railroad would afford a connection between the state highway and Martinvale Road.

Martinvale Road was originally a narrow private road, constructed in 1858 to connect the Martin ranch with the public highway. When the railroad was subsequently constructed, a

private crossing across the track at the point it crossed this private road was installed and has been maintained by Southern Pacific Company since that date. Through subdivision of land that was formerly in large holdings, seven families now use the old Martinvale Road and the private crossing originally installed for the Martin Ranch. Additional right-of-way has recently been deeded to the county along the road and it has accepted Martinvale Road as a public thoroughfare, from the railroad property line to a point one-half mile west of the track and applicant now proposes to convert the old private crossing into a public one.

The present crossing is narrow and, though equipped with gates, it appears that the gates are seldom closed and that one has been missing entirely for some time. The proposed public crossing would widen and improve the approaches and, in all probability, make the crossing less hazardous for the public to use, although it does not appear that any material increase in the amount of traffic over the crossing is imminent. The traffic count, filed as an exhibit at the hearing, shows that the existing private crossing was used by twenty-eight vehicles and six pedestrians during a twelve-hour period on August 15th of this year. During the same period nineteen trains passed over the crossing.

The nearest public crossing to the north of the one proposed is at Cottell Road, about three miles distant, while Bailey Avenue, three and one-half miles to the south, is the nearest public crossing in that direction. There are, however, several private roads similar in nature to the Martinvale Road serving territory between these two public crossings. A number of these roads connect with crossings which, although

they are referred to as private crossings, have the appearance of a public crossing as they are used by several families as the only means of access to their property. One of these is located at Hicks Lane, some 800 feet to the north of Martinvale Road, and another at the so-called Fitzgerald Road, 2,000 feet to the south of Martinvale Road.

The entire crossing situation in Santa Clara County along the main line of Southern Pacific Company southward from San Jose to Gilroy is far from ideal. In this territory there are numerous so-called private crossings which are becoming public in nature, and, in many instances, these crossings are but a few hundred feet apart. It is believed that many of these crossings could be eliminated if a comprehensive plan was evolved under which public crossings could be opened at certain points and connecting roads established in the territory on the opposite side of the track from the main highway. The Commission has frequently announced its policy of keeping the number of public crossings at a minimum consistent with public convenience and necessity, and it, accordingly, will not look with favor on the establishment of a multiplicity of public crossings in this territory, where existing private crossings are assuming the aspect of public crossings for want of an adequate system of public roads in the districts across the tracks from the main highway. It would appear that the County of Santa Clara should, therefore, develop a plan for serving this territory with a minimum number of public crossings consistent with public needs. On the other hand, the railroad company should be cautioned against permitting these numerous private crossings to

develop into semi-public crossings.

The proposed crossing at Martinvale Road appears to be approximately midway between existing public crossings and the road itself is one that can probably be developed into an outlet for a considerable area. It therefore appears in line with public interest to authorize a public crossing at this point.

The State Department of Public Works, Division of Highways, entered its objection to the easterly approach of the proposed crossing encroaching on to the state highway right-of-way, contending that as a fill is necessary to reach the crossing, such a fill extending across the shoulders of the highway would prove hazardous to traffic on the state highway. It stated, however, that at a distance 30 feet from the center line of the pavement it would permit an approach grade at the same elevation as the crown elevation of the highway. The difference in elevation between the pavement and the top of rail is approximately 3.7 feet, and, in order to overcome this difference in elevation, a grade of approximately ten per cent would be required on the easterly approach. It appears that it would be feasible to overcome this steep gradient by raising the highway for a short distance on each side of the intersection, but such raising would involve a considerable expenditure, which is not warranted by the present or immediate prospective use of the crossing. It appears proper, however, to require in this order that the approach grades be constructed at a maximum gradient of six per cent, and that the requirement of the Division of Highways, that the approach grade at a point 30 feet from the center line of the highway be not higher than the elevation of the center of the pavement,

be fulfilled. In view, however, of the present unimportance of the crossing, the six per cent requirement should be suspended until such time as the volume of traffic warrants such an expenditure to improve the approach as outlined.

In addition to the main line track, a passing track is also crossed at this point and at the present time the elevation of this passing track is slightly lower than the top of the main line rails. The passing track should be raised to the same elevation as the main line rails. It also appears that certain walnut trees, along the westerly side of the highway's right-of-way, will obstruct the view at the proposed crossing and that prune trees in the adjacent orchards on the west side of the proposed crossing also seriously obstruct the view. An automatic wig-wag, protecting against main line train movements, should therefore be installed.

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 Martinvale Road, 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 found as a fact that public convenience and necessity require the establishment of a public crossing at grade at the point above indicated, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Santa Clara, State of California, to construct Martinvale Road

at grade across the tracks of Southern Pacific Company at the location shown by the map attached to the application.

The above crossing shall be identified as Crossing No. E-60.9.

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

(1) The entire expense of constructing the crossing, with the exception of the cost of raising the passing track as herein provided, shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Southern Pacific Company. The cost of raising the passing track, as herein provided, shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than the width of said Martinvale Road which is open to travel, and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified in General Order No. 72 of this Commission, and shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and the top of rails of the passing track, within the limits of said crossing, shall be at the same elevation as the top of rails of the main line. The crossing shall, in every way, be made

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suitable for the passage thereon of vehicles and other road traffic.

(3) The easterly grade of approach to said crossing shall be so fixed that, at a point thirty (30) feet westerly from the center line of the state highway, no portion of said approach shall be higher than the elevation of the center of said highway. The requirement that grades of approach be not greater than six (6) per cent may be suspended, in so far as said easterly approach is concerned, until further order by this Commission.

(4) An automatic wig-wag, conforming with Standard No. 3 in this Commission's General Order No. 75, shall be installed at said crossing. The cost of installation shall be borne by applicant and the cost of maintenance thereafter shall be borne by Southern Pacific Company.

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

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders, relative to the location, construction, operation,

maintenance and protection of said crossing 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 24th day of October, 1928.

Leon Whitely

W. Seaver

David L. Lewis

M. P. Carr
Commissioners.