

ORIGINAL

Decision No. 20550

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 SOUTHERN PACIFIC COMPANY for an order
 authorizing construction at grade and
 at separated grades of railroad tracks
 across certain streets, lanes, alleys
 and highways, and across the track
 of The Western Pacific Railroad Company
 at locations hereinafter described, in
 the City of San Jose and in the vicinity
 of San Jose, County of Santa Clara,
 State of California.)
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) Application
) No. 14948
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- E. J. Foulds, for Applicant.
- C. W. Dooling, for The Western Pacific Railroad Company.
- Archer Bowden, City Attorney, for the City of San Jose.
- J. P. Fitzgerald, for the County of Santa Clara.
- Harry Mc Clellan, for the Department of Public Works, Division of Highways, State of California.
- H. A. Blanchard, for interested parties, users of Almaden Road.
- Edward M. Fellows, for interested parties, users of Northern Road.
- E. L. Brune, for San Jose Ice and Cold Storage Company.

BY THE COMMISSION -

INTERLOCUTORY OPINION AND ORDER

This is an application of Southern Pacific Company for authority to construct the various crossings over public thoroughfares involved in the relocation of its main line tracks through the City of San Jose and the unincorporated territory immediately south of the City of San Jose.

A public hearing was held at San Jose on October 24th, 1928, before Examiner Handford, at which time the application, so far as it appertained to crossings within the City of San Jose, was taken under submission.

At the present time the Southern Pacific Company operates its main line through the City of San Jose over tracks laid in Fourth Street, from Julian Street to the southerly end of Fourth Street at Reed Street, and thence over private right-of-way south of Reed Street, crossing several city streets, county roads and a State Highway at grade. The franchise on Fourth Street having expired the Company desires to construct a new double track main line through the westerly part of the city, and has received from the city council a new fifty (50) year franchise for such line relocation. This will depart from the existing main line at Polhemus Street and follow the alignment of the existing College Park to Santa Cruz Branch along Senter Street, to a point near San Carlos Street. Southerly from San Carlos Street an entirely new line is to be constructed on private right-of-way, joining the existing main line near Lick Station, about two and one-half (2-1/2) miles south of the southerly limits of San Jose. The length of the new line is approximately five (5) miles. In addition to the double track main line, the company also intends to build a wye connection with existing tracks near the northerly end of the project to permit operation of its Niles Branch trains into the proposed new station at The Alameda and also a connecting freight lead between the old and new lines near the southerly end of the project to permit the serving of the industrial district located along a portion of the existing main line south of Reed Street, which is not to be abandoned.

In the construction of these tracks it will be necessary to cross various thoroughfares in the City of San Jose and in the unincorporated portion of Santa Clara County immediately south of the City of San Jose, and the present application is

for authority to construct these crossings. A crossing at grade with the Niles-San Jose branch of Western Pacific Railroad Company is also requested, all as shown by map No.M.W.D.5589, Sheet 1-A, attached to the application.

The application involves alterations and track changes at four (4) existing grade crossings; elimination of four (4) others by grade separation; and requests authority to construct seventeen (17) new crossings, four (4) of which will be at separated grades. Of the twenty-five (25) crossings involved, twelve (12) of the grade crossings and the eight (8) grade separations are located in the City of San Jose and the remaining five (5) are with public highways outside of the city. When the project is completed eighteen existing grade crossings will be abolished, four of these being by means of grade separation, eleven by removal of tracks and three by closing of streets. In the present Order only such crossings as are in the City of San Jose are to be considered.

By Ordinance No.2174, dated April 16, 1928, the City Council of the City of San Jose granted Southern Pacific Railroad Company, an affiliated corporation of Southern Pacific Company, a fifty year franchise for a new line over, along and across the several streets, lanes, alleys and highways involved. This franchise grants authority for the following crossings, the number of tracks being in such instances as noted, additional to tracks at present in place. The following table also shows certain streets to be closed and the manner of crossing the remainder.

<u>Street</u>	<u>Tracks involved</u>	<u>Manner of Crossing</u>
<u>Main Line Crossings</u>		
Lenzen Ave.	1 (additional)	At grade
Cinnabar Street	1 "	" "
Julian Street	3 "	Street in subway
San Augustine Street	0 "	Crossing physically impossible.
The Alameda	4 "	Street in subway.

San Fernando Street	5 (additional)	Street to be closed.
Park Avenue	3 "	Street in subway.
Pine Street	Indefinite	Street to be closed.
San Carlos Street	2 (additional)	Street on viaduct.
Auzeris Street	2	At grade
Naglee Avenue	2	At grade
Home Street	2	" "
Harrison Street	2	" " (Paper Street)
Bird Ave.	2	Street in subway.
Jerome Street	2	Street to be closed.
Martin Avenue	2	" " " "
Delmas Ave.	2	Street in subway.
Prevost Street	2	" " "
Fuller Avenue	2	Street to be closed.
Willow Street	2	Street in subway
Goodyear Street	2	Street to be closed.
Sunnyside Avenue	2	" " " "

Wye Track Crossings

Autumn Street	2	At grade
Montgomery Street	2	" "
Cinnabar Street	1	" "
Cottage Lane	2	" "
An Alley	1	" "

Under the terms of this franchise the railroad company is to construct entirely at its own expense the seven subways and the viaduct and the City of San Jose agrees to pay the cost of any damage to property, other than Southern Pacific property, that may be occasioned by the construction of these grade separations. The franchise also contains the provision that the grantee shall construct a new passenger station near the point where San Fernando Street now crosses the railroad right-of-way.

The grantee is also required to request an Order from this Commission directing the abandonment and closing of certain streets in the vicinity of the new line described in detail in Section 3-d of Ordinance No.2174.

Resolution No.4258 dated June 11, 1928, by the City Council of the City of San Jose grants authority to South Pacific Coast Railway Company, an affiliated company of Southern Pacific Company and the owner of the so-called Santa Cruz line, to shift or relocate any of its existing tracks

between Polhemus Street and San Carlos Street.

Detailed descriptions of the various crossings are fully set forth in the application and will not be given in this decision. In general the crossings in the city may be divided into three groups: First: Those existing crossings along the Santa Cruz line, which, when the project is completed, will have their status changed from crossings with a comparatively unimportant branch line to crossings over a double track main line with its attendant hazards; Second: The crossings involved in connection with the new main line where no railroad tracks now exist; and, Third: Those required in the construction of a Wye track to provide a connection with the Niles branch now entering the city from the East.

In the first group the street and railroad grades are to be separated, or the street closed at all crossings, with the exception of two comparatively unimportant streets, Lenzen Avenue and Cinnabar Street. The former of these could well be closed and may be at some future date. The application also requests a grade crossing at San Augustine Street, but such a crossing would be physically impracticable and even if constructed would lead nowhere. At the hearing, applicant requested that the application be amended to provide for the closing of this street and to such modification the city agreed. At another crossing in this group, Julian Street, a subway providing but twelve (12) feet overhead clearance is proposed, whereas the Commission's General Order No.26-C prescribes fourteen (14) feet. The city is agreeable to this clearance over this public thoroughfare. It appears that such an undergrade crossing would accommodate practically all the vehicular traffic that would have occasion to use this crossing and that extra high loads could cross the railroad at the adjacent grade crossing of Cinnabar Street; also, that no hazard to the railroad structure or railroad operation is

apparent; therefore, it is believed that this clearance should be permitted. Of the existing crossings with the Santa Cruz line, San Fernando Street and Pine Street are to be closed. At San Carlos Street the principal traffic will be carried over both the Santa Cruz line and the new main line on a viaduct, but the grade crossing with the Santa Cruz line tracks will remain open as a stub-end street to give access to a single industry.

In the second group of crossings all the more important streets will be crossed at separated grades, the general plan being to elevate the tracks through this section of the city. The city has agreed to close five ^{un}important streets which would otherwise require crossings and Auzeris Street, Nagles Avenue, Home Street and Harrison Street will be crossed at grade. Harrison Street exists only on paper and requires no crossing at this time. In view of the exceedingly light traffic on Naglee Avenue, which could, with slight inconvenience use other streets, it has been recommended that the construction of a crossing at this point be deferred until such time as traffic conditions or development of arterial thoroughfares require the crossing.

All of the crossings in connection with the Wye track in the third group are with unimportant dirt or graveled streets and alleys, the principal traffic being industrial. One of the crossings, that of Cottage Lane, would serve no useful purpose if constructed. Southern Pacific Company owns the property on both sides of an alley opposite the point it proposes to cross and it is believed that public convenience and necessity ~~from~~ would be served as well if this alley remain physically closed at the point of crossing.

The relocation of the main line of Southern Pacific through the City of San Jose as proposed in this application will in the opinion of the Commission materially improve the railroad grade crossing situation in that city and since the applicant and the

City appear to be in agreement with respect to all material matters in connection therewith, the application, insofar as it appertains to the crossings in the city should be granted.

O R D E R

Southern Pacific Company having made application to the Commission for an order authorizing construction of the various crossings with public highways involved in the relocation of its main line tracks through the City of San Jose and the unincorporated territory south of the City of San Jose, a public hearing having been held, the Commission being apprised of the facts, and the matter having been submitted insofar as the crossings within the City of San Jose are concerned,

IT IS HEREBY ORDERED, that applicant Southern Pacific Company, a corporation, be and it hereby is authorized to construct its double track main line and such secondary tracks as are hereinafter described at grade across the following streets and avenues in the City of San Jose, County of Santa Clara, State of California, in accordance with the descriptions filed with the application and as shown by the maps attached to the application and referred to in the following list:

<u>Street</u>	<u>No. of tracks</u>	<u>Drawing No.</u>	<u>Sheet</u>
Lenzen Avenue	5 tracks	M.W.D. #6400	1
Cinnabar Street	7 "	" "	2
San Augustine St.	3 "	" "	3
Anzemis Street	2 "	" "	4
Naglee Avenue	2 "	" "	5
Home Street	2 "	" "	6
Harrison Street	2 "	" "	18
Autumn Street	2 "	" "	12
Montgomery Street	2 "	" "	13
Cinnabar Street	1 Wye track	" "	14
An alley	1 " "	" "	15
Cottage Lane	2 " tracks	" "	16

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

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings shall be constructed equal or superior to the type specified after each of the several crossings, as related to the standards shown in General Order No.72 of this Commission, and shall be constructed of widths to conform to those parts of said streets and avenues now graded, with tops of rails flush with the roadways and with grades of approach not exceeding those specified after each crossing in the following tabulation:

<u>Street</u>	<u>Type of Construction</u>	<u>Minimum Grade of Approach</u>
Lenzen Avenue	Standard No.2	4%
Cinnabar Street	" " "	4%
San Augustine St.	Open track	-
Auzerix Street	Standard No.3	1%
Naglee Avenue	Open track	-
Home Street	Standard No.2	4%
Harrison Street	Open track	-
Autumn Street	Standard No.2	4%
Montgomery Street	" " 2	1%
Cinnabar St. (Wye)	" " 2	1%
An alley	Open track	-
Cottage Lane	" "	-

(3) Each crossing, with the exception of those marked "open track" in the foregoing table, shall be protected by Standard No.1 crossing signs as specified in General Order No.75 of this Commission, and Standard No.2 crossing signs, illuminated during the night hours, shall be installed for the further protection of said crossings of Lenzen Avenue, Cinnabar Street (main line), Autumn Street, Montgomery Street and Cinnabar Street (Wye track).

(4) Two wigwags conforming with Standard No.3 in General Order No.75 of this Commission shall be installed for the protection of said crossings of Auzerix Street, Lenzen Avenue and

Cinnabar Street (main line). Said wigwags at Lenzen Avenue and Cinnabar Street (main line) shall be manually controlled and operated to protect vehicular travel using said crossings against movements on all tracks at the respective crossings.

(5) At such time as Home Street, Montgomery Street and Autumn Street are improved with a permanent type of pavement at the respective points of crossing, wigwags conforming with said Standard No.3 shall be installed for the protection of the crossings with said streets.

(6) Arterial stop signs having the authority of City Ordinance shall be erected on each side of the crossing with Lenzen Avenue, Cinnabar Street, Auzeris Street and Home Street.

(7) The crossings of Harrison Street and Naglee Avenue shall be so constructed that grades of approach not exceeding 4% will be feasible in the event that the construction of roadways upon said Harrison Street and Naglee Avenue shall hereafter be authorized.

(8) This order is made upon the express condition that said Harrison Street is not now actually constructed and open to travel at the point of crossing and that said Naglee Avenue will be closed to public use and travel upon the construction of said railroad tracks and shall remain so closed until such time as public convenience and necessity require that it be open to public travel. This order shall not be deemed as an authorization for the construction of, or opening of, said Harrison Street to public use across said railroad tracks.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it hereby is granted to Southern Pacific Company to construct crossings at separated grades with the following streets and avenues in the City of San Jose, County of Santa Clara, State of California, substantially in accordance with the plans

attached to the application or as filed at the hearing,
specified below:

Julian Street	M.W.D.#5768	Sheet 1	Revised Oct.14,1927.
The Alameda	M.W.D.#5314	Sheet 2	" Aug.15,1928.
Park Avenue	M.W.D.#5438	Sheet 6	" June 8,1928.
San Carlos Street	M.W.D.#5438	Sheet 1	" Aug.15,1928.
Bird Avenue	M.W.D.#6217	Sheet 4	" June 8,1928.
Delmas Street	M.W.D.#6217	Sheet 1	March 16, 1928.
Prevost Street	M.W.D.#6217	Sheet 2	March 16, 1928.
Willow Street	M.W.D.#6217	Sheet 3	March 16, 1928.

Said crossings shall be constructed in accordance and
subject to the following conditions:

(1) Said crossings shall be constructed with clearances conforming to the Commission's General Order No.26-C, excepting that the subway of Julian Street may be constructed to provide a minimum clearance of twelve (12) feet above the roadway of said Julian Street. An impaired clearance sign, illuminated at night, shall be maintained on each side of said subway at Julian Street, of a size and in a position to be clearly visible to vehicular travel approaching said subway from either direction.

(2) The cost of said crossings, including the cost of property damage, and the future maintenance, shall be borne in accordance with the terms set forth in Ordinance No.2174, passed by the City Council of the City of San Jose on the 16th day of April, 1928.

(3) The width of roadways, side walks, approach grades and overhead clearances at each of the above grade separation shall be substantially as set forth in the following tabulation:

<u>Street</u>	<u>No. and minimum width of driveways</u>	<u>No. and minimum width of sidewalks</u>	<u>Maximum roadway approach grades</u>	<u>Minimum overhead clearance</u>
Julian St.	1 - 25'	2 - 6'	6%	12' -0"
The Alameda	2 - 30'	2 - 6'	5%	14' -6"
Park Avenue	1 - 30'	1 - 6'	6%	15' -0"
San Carlos Ave	- 38'	2 - 5'	6%	22' -0"
Bird Avenue	1 - 30'	2 - 6'	6%	15' -0"
Delmas Street	1 - 30'	2 - 6'	6%	14' -6"
Prevost "	1 - 23'	2 - 6'	6%	14' -0"
Willow "	1 - 30'	2 - 6'	6%	14' -6"

(4) Applicant shall, before commencing construction of any one of the above grade separation structures, file with this Commission a complete set of detail plans of said structure.

IT IS HEREBY FURTHER ORDERED that

(1) Within sixty (60) days from the completion and placing in regular operation of the new main line tracks, the crossings for which are herein authorized, applicant shall remove its tracks from and restore the pavement to conform with the remaining portions of each of the following streets, at the point of crossing with applicant's existing main line track in Fourth Street, San Jose:

Julian Street	Crossing No.	EM-47.25
St. James Street	" "	EM-47.3
St. John Street	" "	EM-47.4
Santa Clara Avenue	" "	EM-47.5
San Fernando Street	" "	EM-47.7
San Carlos Street	" "	EM-47.9
San Salvador Street	" "	E-51.7
William Street	" "	E-51.8
Reed Street	" "	E-52.0

(2) The above opinion and order is based on the express condition that the following streets and alleys, in the City of San Jose be legally abandoned and effectively closed at the respective points of crossing with the existing or proposed tracks of applicant:

Senter Street	
San Augustine Street,	Crossing No. L-46.6
San Fernando Street,	" No. L-46.9
Pine Street,	" No. L-47.2
Jerome Street	
Martin Avenue	
Fuller Avenue	
Bartlett Avenue	
Goodyear Street	
Sunnyside Avenue	
San Carlos Street	(between westerly bank of Los Gatos Creek and the easterly line of Kearney Street).

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

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

(5) 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 5th day of December, 1928.

Leon Whitell
Chas. A. Seamy
Ernest J. ...
Thos. ...
M. H. ...
COMMISSIONERS.