

Decision No. 20664.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of The People of the State of California, on relation of the Department of Public Works, Division of Highways, for an order authorizing construction of a State highway crossing over the tracks of the Southern Pacific Railroad, near Sargent, Santa Clara County, California.

ORIGINAL

Application No. 15234.

Harry A. Encell, for Applicant.

H. W. Hobbs, for Southern Pacific Company.

Reg and Caldwell, by E. M. Ray, for owners of Sargent Ranch, Protestants.

BY THE COMMISSION:

O P I N I O N

In this proceeding the People of the State of California, on relation of the Department of Public Works, Division of Highways, request permission to construct a State Highway, (Coast Route between San Francisco and Los Angeles), on a viaduct over the track of Southern Pacific Company near the Station of Sargent, Santa Clara County, California. Public hearings were held in this matter at Gilroy and San Jose.

The State Highway running between San Jose and points south of Santa Clara County crosses the Coast Line of Southern Pacific Company at grade a short distance north of the Station of Sargent. The location of the proposed viaduct will be approximately one hundred and fifty (150) feet north of the existing grade crossing, as shown on the map marked Exhibit No. 1, filed in this proceeding. Traffic checks taken on July 17th and 18th, 1927, by applicant, in

the vicinity of this crossing show that from 3,200 to 6,000 vehicles use the highway daily. The railroad involved is a single track line over which there are 18 regular passenger trains operated per day at a speed of 50 miles per hour, and the freight service varies from 25 trains during the busy season to 10 trains during the light season. These trains travel at a speed of 35 miles per hour.

It was stipulated and agreed by the representatives of the Highway Commission and the railroad that public convenience and necessity require the separation of grades at this point. It appears, from the record, that this stipulation is supported by the prevailing conditions.

It was further stipulated between the parties that the viaduct should be so constructed that a total of four tracks could be constructed and maintained by the railroad when conditions required; that the roadway over the viaduct should have a width of thirty-four feet; and that Southern Pacific Company should bear approximately 44 per cent and the applicant 56 per cent of the entire cost of construction, which is estimated to be approximately \$88,000.

The land on either side of the railroad and the highway is owned by the Sargent Estate. In the transaction of the ranch business it is necessary to cross the railroad several times each day. The use of the proposed viaduct for inter-ranch travel would be inconvenient and circuitous, whereas by using a grade crossing at approximately the location of the existing public crossing, this traffic would have direct contact between the lands of this estate on either side of the railroad, to which the company did not object. It appears to the Commission that a private crossing at approximately the location as shown on Exhibit No. 1 may be maintained without creating any serious hazard. Said private crossing should be protected by farm gates and they should be kept closed at all times except when in actual use by the private interests entitled to use same.

Public convenience and necessity justify the granting of this application and it will be so ordered.

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, having made application to this Commission for an order authorizing the construction of a State Highway crossing over the track of Southern Pacific Company in the vicinity of Sargent, County of Santa Clara, and apportioning the cost thereof, public hearings 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 People of the State of California, on relation of the Department of Public Works, Division of Highways, be and they are hereby authorized and directed to construct an overgrade crossing over the track of Southern Pacific Company in the vicinity of Sargent, County of Santa Clara, substantially in accordance with the plans marked Exhibit No. 2, filed in this proceeding and at a location as shown by the map marked Exhibit No. 1, filed in this proceeding.

The above crossing shall be identified as Crossing No. E-86.4-A.

Said overgrade crossing shall be constructed subject to the following conditions:

(1) Said crossing shall be constructed with clearances conforming to the provisions of this Commission's General Orders No. 26-C and No. 64.

(2) Applicant shall, within ninety (90) days from the date hereof, file with this Commission, for its approval, a certified copy or copies of agreement or agreements between the interested parties relative to division of cost of construction and maintenance of said crossing. In the event an agreement cannot be

reached, this Commission will apportion the cost of construction and maintenance by subsequent order.

(3) The existing public crossing at grade of said State Highway, located approximately one hundred and fifty (150) feet south of said overgrade crossing and designated as Crossing No. E-96.4, shall be legally abandoned and effectively closed to public use and travel upon the completion of the construction of said crossing.

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

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

For all other purposes the effective date of this order shall be ten (10) days from and after the date hereof.

Dated at San Francisco, California, this 11 day of January, 1929.

Thos S. Lott

C. S. Lacey

M. J. Lacey

Commissioners.