

Decision No. 21438.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a second main track across certain public roads and avenues between Lick and Watsonville Junction in the Counties of Santa Clara, San Benito and Monterey, State of California.

**ORIGINAL**

Application No. 15,694.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, filed the above entitled application June 7, 1929, and on July 26, 1929, filed an amended application with this Commission asking for authority to construct a second main line track at grade and the alteration of existing tracks at grade across certain County roads between Lick and Watsonville Junction in the Counties of Santa Clara, San Benito, and Monterey, State of California, as hereinafter set forth. Applicant alleges that under the provisions of Subdivision 5 of Section 465 of the Civil Code it has the right to construct its track across the various public roads involved. The Boards of Supervisors of said Counties have been notified of this application and have offered no objection to the granting of the same. It appears to this Commission that the present proceeding is not one in which a

public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the points mentioned in this application with said roads, and that this application should be granted subject to the conditions hereinafter specified, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a second main line track at grade across Snell Road, Chynoweth Avenue, Hayes Avenue and Martinvale Avenue, in the County of Santa Clara, across Stony Ford Road and a portion of Tri-County Road in the County of San Benito and across the remaining portion of Tri-County Road, San Juan Road and Vega Road in the County of Monterey at the locations shown on the maps attached to the amended application (M.W.D. Drawing 6821, Sheets 2, 3, 4, 5, 6, 7, 8, and 9), and to construct a second main line track at grade across Cottle Road in the County of Santa Clara at the location hereinafter provided.

The above crossings shall be identified as follows:

Snell Road as a portion of	Crossing No.	E-56.7
Chynoweth Avenue	" " " "	E-58.2
Hayes Avenue	" " " "	E-48.5
Cottle Road	" " " "	E-58.6
Martinvale Avenue	" " " "	E-60.7
Stony Ford Road	" " " "	E-93.5
Tri-County Road	" " " "	E-94.5
San Juan Road	" " " "	E-96.2
Vega Road	" " " "	E-97.1

Said crossings to 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 type shown in General Order No. 72 of this Commission, specified in the following table, excepting that the crossings of Snell Road, Cottle Road, Tri-County Road, and San Juan Road may, if applicant so elect, be constructed and maintained for a period of one year in accordance with Standard No. 2. The tops of rails at all crossings shall be at same elevation as shown on the maps attached to the application and flush with the roadway and the grades of approach to the crossings herein authorized and to the adjacent tracks shall not exceed those shown in the following table. Each crossing shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

	<u>Type of Construction</u>	<u>Approach Grade Not Greater Than</u>	
E-56.7	Snell Road	No. 3	4%
E-58.2	Chynoweth Avenue	No. 2	6%
E-58.5	Hayes Avenue	No. 2	4%
E-58.6	Cottle Road	No. 3	4%
E-60.7	Martinvale Road	No. 2	6%
E-93.5	Stony Ford Road	No. 2	-
E-94.5	Tri-County Road	No. 3	4%
E-96.2	San Juan Road	No. 3	3%
E-97.1	Vega Road	No. 2	3%

(3) The crossing of Cottle Road herein authorized is granted on the express condition that said road across the right of way of applicant be reconstructed to provide a crossing at right angles with the existing and proposed track of applicant.

(4) The crossing of Hayes Avenue herein authorized is granted on the express condition that if and when the County of Santa Clara shall legally abandon as a public thoroughfare that portion of said Hayes Avenue lying within the limits of applicant's right-of-way, Southern Pacific Company will cause to have constructed at its own expense a public roadway at least forty (40) feet in

width along the westerly side of its tracks connecting said Hayes Avenue with the crossing at Cottle Road.

(5) Within one year from the date of this order, if the crossing of Hayes Avenue shall not have been closed as provided in Condition No. 4 above, said crossing with Hayes Avenue herein authorized and that of the adjacent main line track shall be protected by a Standard No. 3 automatic wigwag as specified in General Order No. 75 of this Commission or an approved type of flashing light signal. Said wigwag or signal shall be so equipped as to furnish adequate special warning of the approach of a second train.

(6) Said crossings of Snell Road (E-56.7), Cottle Road (E-58.6), San Juan Road (E-96.2), Chynoweth Avenue (E-58.2), Stony Ford Road (E-93.5), Tri-County Road (E-94.5), and Vega Road (E-97.1) as herein authorized and the crossings of said roads with the adjacent main line track shall be protected by two Standard No. 3 automatic wigwags as specified in General Order No. 75 of this Commission or two flashing light signals of an approved type. Said wigwags or signals shall be so equipped as to furnish adequate special warning of the approach of a second train.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to alter the crossings of its existing tracks with Hayes Avenue, Cottle Road, Stony Ford Road, Tri-County Road, San Juan Road and Vega Road as proposed in the application, provided that in no case shall the grades of approach exceed those specified in Condition No. 2 above.

IT IS HEREBY FURTHER ORDERED that

(7) Nothing in the above order shall be construed as authority to construct a second track at grade or alter the crossing of an existing track across any public road between Lick and

Watsonville Junction other than those specifically mentioned.

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

(9) If said crossings 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.

(10) 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 10<sup>th</sup> day of August, 1929.

Thomas D. Lott

C. L. Loney

Leon A. White

M. F. Linn  
Commissioners.