

Decision No. 22920.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of  
SOUTHERN PACIFIC COMPANY for an  
order authorizing the construction  
at grade of a second main track  
across certain public roads in the  
vicinity of Lonoke, Gilroy,  
Carnadero and Chittenden Stations,  
all in the County of Santa Clara,  
State of California.

**ORIGINAL**

Application No. 16486.

BY THE COMMISSION:

O R D E R

Southern Pacific Company filed the above entitled application with this Commission on the 25th day of April, 1930 and filed its supplemental application on the 29th day of July, 1930, asking for authority to construct a second main track at grade across certain public roads between Lonoke, Santa Clara County, and Chittenden, Santa Cruz County, including certain crossings within the incorporated limits of the City of Gilroy. The proposed second track forms a portion of a project of applicant to ultimately double-track its Coast Line between San Jose and Watsonville Junction, via Gilroy.

It is alleged in the application that it will not be practicable nor feasible, in applicant's opinion, to construct undergrade or overhead crossings. Applicant represents that it and its lessor, Southern Pacific Railroad Company, have the right, under the provisions of Subdivision 5 of Section 465 of the Civil

Code of the State of California, to construct, maintain and operate its proposed second main track across all of said public roads outside of the incorporated City of Gilroy. A certified copy of franchise to construct the proposed tracks at crossings within the City of Gilroy has been filed with the Commission.

An inspection of the crossings involved in this application has been made by our Engineering Department, at which time representatives of applicant and the interested political subdivisions were present. A report of the inspection has been filed with the Commission and furnished the interested parties.

Applicant has requested that authority to construct certain of the crossings be granted at this time, leaving the remainder to be covered by supplemental order at a later date. The crossings which applicant desires be left open for further consideration are as follows:

<u>Crossing No.</u>	<u>Local Name of Road</u>	<u>Station</u>
E-78.8	Los Animas Avenue	Lonoke
E-79.6	Leavesly Road	Gilroy
E-79.7	Casey Road	Gilroy
E-91.4	Monterey Road	Chittenden

The Commission has considered the request of applicant, the report of the Commission's Engineering Department, and the attitude of the interested parties and has reached the following conclusions with reference to the remainder of the crossings applied for:

E-80.1 (Martin Lane, Gilroy):

Proposed second main track should be authorized, providing for crossing of Standard No. 3 quality with approach grades not exceeding 2%; the crossing to be protected by the installation of an additional Standard No. 3 wigwag and two second train indicators.

E-80.7 (Old Gilroy Street, Gilroy):

Applicant proposes to slightly relocate the existing passing track and convert same to second main line operation and, in addition, relocate one side track. These changes should be authorized, providing for construction of crossing with Standard No. 3 quality and approach grades not exceeding 1%; the crossing to be protected by 2 Standard No. 3 wigwags equipped with second train indicators; to be manually controlled 7:00 A.M. to 11:00 P.M. and automatically controlled during the remaining hours. Switching movements on the two easterly tracks shall be protected by a member of the train crew acting as human flagman.

E-80.8 (Ninth Street, Gilroy):

Applicant plans to relocate two existing tracks, converting the passing track to second main line operation. These changes should be authorized, making provision for construction of Standard No. 2 quality with approach grades not exceeding 4%. The proposed track, however, should be constructed at the same elevation as the existing main line track.

E-81.1 (Brem Lane, Gilroy):E-81.7 (Local Road, Gilroy):

Both of these crossings apparently originated as private crossings and have become more or less publicly used by property owners east of the railroad and the tracks for which applicant seeks authority to construct have already been built. Applicant advises that preliminary negotiations are under way with interested parties concerning the closing of the two crossings. The Commission will await the outcome of these negotiations before reaching a decision as to the status of these crossings.

E-83.6 (Gilroy-Hollister Highway):

Applicant proposes to construct second main track over this highway which will be authorized subject to construction of crossing of Standard No. 3 quality with approach grades not exceeding 3% and with protection consisting of two Standard No. 3 wigwags, each equipped with a second train indicator.

In addition to the track changes, applicant intends to convert an existing passing track at Crossings Nos. E-80.6 (Sixth Street), E-80.5 (Martin Street) and E-80.4 (Lewis Street), in the City of Gilroy, to second main track operation. Sixth Street and Lewis Street are at present each protected by a wigwag, while

Martin Street has a single automatic wigwag and a flagman from 7:00 A.M. to 6:00 P.M. The plan recommended by our Engineering Department and agreed to by the applicant and the City of Gilroy provides for the protection of each of these three crossings with two Standard No. 3 wigwags, equipped with second train indicators, to be manually controlled 7:00 A.M. to 11:00 P.M. and automatically controlled during the remainder of the twenty-four hour period. Under the plan as proposed, a signal operator will be located in a tower at Sixth Street, controlling the signals at the other crossings from that point, including the signals at Crossing No. E-20.7, Old Gilroy Street, replacing human flagmen maintained at Martin Street and Old Gilroy Street.

It appears to the Commission that this is not a matter in which a public hearing is necessary, therefore,

IT IS HEREBY ORDERED that authorization be granted to Southern Pacific Company to construct its second main track or relocate existing tracks at grade across certain streets in the City of Gilroy, Santa Clara County, and across a public highway in the unincorporated portion of Santa Clara County at the following locations which are more particularly described in the application and as shown by the maps attached thereto:

E-80.1, Martin Lane, City of Gilroy, to construct second main track;

E-80.7, Old Gilroy Street, City of Gilroy, to relocate two existing tracks;

E-80.8, Ninth Street, City of Gilroy, to relocate two existing tracks;

E-83.6, Gilroy-Hollister Highway, County of Santa Clara, to construct second main track.

Said crossings shall be constructed subject to the following conditions:

- (1) The entire expense of constructing and maintaining the crossings 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 with the tops of rails at the same elevation as main line rails, flush with the pavement and of a width to conform to those portions of said streets and highways now graded, and shall be constructed as follows:

<u>Crossing No.</u>	<u>Type of Construction (C.O.72)</u>	<u>Grades of Approach Not Exceeding</u>	<u>Protection (C.O.75)</u>
E-80.1	Std. No.3	2%	2 Std. No.3 Wigwags
E-80.7	Std. No.3	1%	2 Std. No.3 Wigwags
E-80.8	Std. No.2	4%	2 Std. No.1 Signs
E-83.6	Std. No.3	3%	2 Std. No.3 Wigwags

Each wigwag shall be equipped with a suitable device to warn of the approach of a second train and the wigwags at Crossing No. E-80.7 shall be manually controlled from 7:00 A.M. to 11:00 P.M. daily, replacing human flagman.

- (3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of the compliance with the provisions in this order.
- (4) 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.
- (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 26<sup>th</sup> day of September, 1930.

C. S. Seavey

Leon O. White  
Thos. D. Latta

Commissioners.