

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
CITY OF SANTA CRUZ for permission to )  
construct a street crossing at grade )  
across the track of Southern Pacific )  
Company at Cottonwood Street, City of )  
Santa Cruz, Santa Cruz County, )  
California. )  
..... )

Application No. 1226.

J. L. Johnston for City of Santa Cruz  
George D. Squires for Southern Pacific Company.

OPINION

GORDON, Commissioner,

On July 6, 1914, the City of Santa Cruz, through its City Attorney, filed with the Commission an application in the above entitled matter. On August 4th a hearing was held at Santa Cruz, at which all interested parties were given a chance to appear and be heard. Cottonwood Street, where the crossing is proposed, is at present a short street, about 380 feet long, lying between River Street and the main line track of the Southern Pacific which runs between Santa Cruz and Los Gatos. The track is located in a general north and south direction, and to the north of this proposed crossing, Coral Street, a distance of about 700 feet, is open; to the south about 700 feet Potrero Street is open. Immediately west of the track is an undeveloped tract of land of more than 40 acres, belonging to L. T. McCutcheon and A. W. Turner. This tract of land has been subdivided by the owners and various streets laid out. Cottonwood Street on this plat is shown as crossing the Southern Pacific track to join that part of Cottonwood Street now open, which is on the east side of the railroad. With Mr. Turner and the Attorney for Mr. McCutcheon as sole signers a petition was presented to the City Council of Santa Cruz to have a public crossing

made so that Cottonwood would become a continuous street across the track of the Southern Pacific. Acting favorably on this the matter was taken up by the City Council in an attempt to secure an easement from the Southern Pacific Company, and failing to do so, a hearing was held as before mentioned.

There is at present no one living on this tract of land, owned by Mr. Turner and his partner, and Mr. Turner frankly stated at the hearing that this crossing was desired by him solely for the purpose of selling property in this sub-division as he considered the opening of Cottonwood Street essential to the success of this project. There are at present two ways of approaching Mr. Turner's sub-division from the main business and residence districts of Santa Cruz. From Potrero Street south, Amat Street is open on the west side of the railroad track and vehicles can cross the track on Mora Street, which is open. Quintana Street parallels the track from Potrero Street south and the logical, and as it was proven, the shortest route from the main portion of Santa Cruz to this tract of land would lie via Quintana Street over the Potrero Street crossing and thence via Amat Street to Mr. Turner's land. Another route, not as short as this one, but which is still shorter than the proposed route via Cottonwood Street is from the city via River Street to the Potrero Street crossing and thence along Amat Street to Coral and to this property. It was shown that Cottonwood would not be a main traveled street except for such people as purchased in Mr. Turner's sub-division and that even then the shortest way would be via the other routes, as mentioned, and that there was absolutely no necessity for this crossing and public convenience would in no manner be served by its construction.

The Commission, in grade crossing cases, has at many times held that it would not grant permission for a highway to cross

the tracks of a railroad at grade solely for the sake of developing any sub-division projects, promoting real estate, or increasing the price of property. It has held that it will grant such permission only when it is clearly shown that some real need for the crossing exists. It seems a fitting opportunity to again state the reasons that have led the Commission to take this position. Interstate Commerce Commissioner M'Chord recently stated that in a five year period ending in 1909, 4621 people were killed at grade crossings in the United States, and during the same period 8830 were injured. The record since 1909 has undoubtedly been worse rather than better. It must, therefore, be recognized that the construction of each grade crossing carries with it a certain hazard to human life. Grade crossings cannot now be entirely abolished since neither the people nor the railroads have sufficient funds to do so, consequently this hazard must be assumed and the Commission must take it into consideration and balance it with the need of the public for the crossing in each case which comes under its consideration. It has been often argued that with a given amount of traffic across the track from one side to the other no additional hazard would be incurred by opening a few additional crossings. To show the fallacy of this argument it is necessary only to consider the case of a city where all the traffic crosses on one street and the same city with the track through it an open highway where vehicles and pedestrians can cross at will. In the first case, by having traffic concentrated at one point, the engine driver can and will use a certain amount of caution when crossing this street, and the users of the crossing will be induced to properly safeguard their own approach. Where the track is open or where many crossings exist close together it is impossible for an engine driver to take the same pains to avoid an accident and the people who cross the track become careless and forgetful of the risk they incur and cross the

track many times when it is not necessary to do so. There is still another phase of the matter to be considered.

New Jersey has recently passed a law prohibiting grade crossings under any circumstances. New York is making a comprehensive effort to secure the abolishment of all grade crossings within the state and nearly every state has awakened to the danger of grade crossings and is making an effort to limit their number and to safeguard those which are installed. The larger cities are spending millions of dollars, in connection with the railroads, to secure the separation of grades within their boundaries. It is common knowledge that when a street is once opened and property along the street has changed hands partly on account of this fact, it is almost impossible to have that street closed. This means, then, that ultimately a vast amount of money will have to be spent to construct either overhead or underground crossings at most of the streets which are open previous to undertaking grade separation. Based on past experience, each separation will cost in the neighborhood of \$30,000.00. With this fact in view it is very apparent that it is an injustice to the railroad company and to the people from whom the railroad company secures its revenue and who eventually pay its bills, to grant permission for any unnecessary grade crossings to be constructed. If the expense for such grade separations is to be borne either wholly or in part by the city or county in which the crossing is located, it is certainly no kindness to the city or county government to permit one to be built unless there is an absolute need for it.

It was developed at the hearing that there was a possibility of closing Coral Street if Cottonwood Street could be opened. Since the closing of Coral Street and the opening of Cottonwood

Street would not increase the hazard to human life in this vicinity, but would merely transfer it from one point to another, I am of the opinion that this application should be granted providing Coral Street is closed as a public highway; but that if Coral Street is not so closed that there is no necessity for, and the public convenience will not be subserved by, the opening of Cottonwood Street, and I believe that this application should be denied unless the crossing at Coral Street be vacated.

I recommend the following order.

O R D E R

CITY OF SANTA CRUZ, having made application for permission to construct a public highway crossing at grade across the track of Southern Pacific Company at Cottonwood Street, in the City of Santa Cruz, Santa Cruz County, California, said crossing being shown on the map accompanying the application, and a public hearing having been held, and it appearing that at the present time said application should not be granted,

IT IS HEREBY ORDERED, That said application be and the same is hereby denied without prejudice to its renewal if Coral Street shall hereafter be closed by applicant across the track of Southern Pacific Company.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18th day of August, 1914.

John M. Eckelmann  
Ally Gordon  
Max Thelen

Commissioners.