

Decision No. ✓.

ORIGINAL

Decision No. 3817

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

A. A. Miller, Peter Farley,
T. R. Goth, and Farmers
Safety Committee, et al,
Complainants,

vs.

The Southern Pacific Rail-
road Company,
Defendant.

Case No. 973.

In the matter of the appli-
cation of BOARD OF SUPERVISORS
of Monterey County for author-
ity to abandon a certain
public highway known as
Allison Road near Watsonville
Junction in Monterey County.
.....

Application No. 2453.

T. R. Goth for complainants.
Walter E. Norris for County of Monterey.
George D. Squires for Southern Pacific
Company.

GORDON, Commissioner.

O P I N I O N.

The complaint in this matter was filed with the Commission on July 7, 1916. The individual complainants and the members of the Farmers' Safety Committee own and occupy lands in Pajaro Canyon on the south side of the tracks of the Southern Pacific Company. Their complaint is to the effect that they have but one highway leading to the city of Watsonville, their principal market; that this highway, which is known as the Allison road, crosses the Southern Pacific Company's tracks in the center of a switch yard where the crossing is blocked to such an extent that they cannot

receive the "ordinary comforts of life which require prompt delivery, such as the United States mail, and medical attendance;" that the blocking of the crossing works hardships upon them in other ways; and further, that they are liable to be run down and killed by trains on the tracks at the crossing. They ask the Commission for relief "by an order for the removal of said switch yard from said Allison crossing; or such other method of relief" as the Commission may deem proper "to maintain the crossing open to the public at all hours of the day and night." The Southern Pacific Company denies all the material allegations in this complaint.

The application was received on July 25, 1916, eighteen days after the filing of the complaint. It was filed by the Board of Supervisors of Monterey County, and states that the Board, acting on a petition praying for the abandonment of a certain portion of the Allison road, found that that portion of the road is unnecessary both for "present or a prospective use," and instructed the district attorney to file this application with the Commission to secure its permission to abandon this portion of the road.

The permission of the Commission is necessary because the portion of the road sought to be abandoned is that portion which includes the crossing of the tracks. As this crossing is the same one against which the complaint is directed, the Commission has before it a complaint filed by the people residing near the crossing asking for the removal of the switch yard there, and an application filed by the supervisors asking for permission to entirely abandon the crossing. These two matters were heard together and can be decided together.

Both the application and the case are outgrowths of an informal complaint occasioned by the unsatisfactory crossing situation at Watsonville Junction and by the efforts which have been made by the railroad company, the supervisors, and the property owners to improve conditions without being in agreement as to what

the proper method of improvement was to be. A brief description of the location of the tracks and roads in this vicinity, and their relation to each other, is necessary to an understanding of the situation.

The main line track of the Coast Division of the Southern Pacific enters the unincorporated town of Watsonville Junction from the east, running in a general easterly and westerly direction, and, before the station is reached, crosses the north and south Allison road. About 1,550 feet west of this road, and between it and the station, it crosses a short north and south highway known as the Horrigan road. It then swings southerly past the station at Watsonville Junction, and runs almost due north and south while within one-half mile of the station. Near the station a branch line, with a wye track, leaves the main line for Watsonville, but this track is not involved in these matters. For a mile or more east of the station the main line is paralleled by yard and switch tracks, while there are practically no switch tracks south of the station.

Watsonville is about two miles northerly from Watsonville Junction. Because the main line track turns at the Junction, from an east and west to a north and south direction, those who live south of the railroad on the Allison road are obliged to cross the main line before they can go either north or west, and with the hills south and east of them it is generally north or west that they wish to go. The Allison road is at present their only outlet in these directions via a public road. This road, after crossing the track, continues north to the San Juan road; and there has recently been constructed to connect with it an east and west road parallel with the track and immediately north of it, which forms the shortest route to the Junction.

The Horrigan road owes its existence to some eight families who live on the south side of the track and who have no other outlet. It is about one-quarter of a mile from the Allison road but there is no legal connection between them on the south side of the track, although the Southern Pacific right of way has been considerably travelled for that purpose.

The improved Monterey road runs north and south on the west side of, and parallel to, the railroad from some distance south of the Junction to north of that point, and it has been suggested that the best method of securing an outlet for the residents of Pajaro Canyon would be by the construction of a road from the Monterey road eastward, across the track, to a connection with the Allison road near the hills. This road, because it would run through the property of E. H. and R. Werner, has generally been referred to as the proposed Werner Road.

The trouble with the present situation is that the Allison road crosses a busy switching yard of 13 tracks at about its center. There is no question but that the delays occasioned to those who use the road are about as severe as they are alleged to be in the complaint, and that the complainants have ample cause for being dissatisfied with the existing situation. It would also be hard to exaggerate the danger of the crossing, in spite of the fact that no serious accident has occurred upon it and that it is protected by a watchman during the busy hours of the day. At the same time it must be obvious that unless the crossing is blocked during certain periods the switch tracks would be of little service to the railroad company, and that it can be only in extreme cases that the Commission will order the removal of an extensive railroad yard for the sake of a grade crossing. The complainants ask the Commission to do this in this instance, and while they have clearly established the fact that the present crossing is next to

useless and is extremely dangerous it does not follow that their method of bettering conditions should be adopted by the Commission. There are other ways of disposing of the matter than by removing the railroad yard.

One of these is that proposed by the supervisors and the railroad company and will be carried into effect if the application of the supervisors is granted. That is the construction of a public road on the railroad's reservation between the Allison and the Horrigan roads, the improvement of the Horrigan crossing, and the use of that crossing instead of the one on the Allison road. Since most of the traffic from Pajaro Canyon is to Watsonville, this change would make a route about as convenient as the present one.

The Horrigan crossing is far from being a desirable crossing. It will have some sixteen tracks; three more than at the Allison crossing. However, it is at the extreme west of the yards where the switching is not so extensive as at the Allison crossing, and where the view of the tracks is not so liable to be obscured by trains and cars standing on adjacent tracks. There are some differences in opinion as to the comparative safety of the Horrigan and Allison crossings, but I am inclined to agree with the Railroad Company and the Board of Supervisors that the Horrigan crossing is enough safer than the Allison crossing to justify closing the latter and diverting traffic to the former.

It was suggested that the proper solution of the whole matter would be the construction of a viaduct over the Southern Pacific tracks at the Allison or the Horrigan crossings or at some point between the two. Such a viaduct would cost about \$25,000., and as there are less than twenty families living in Pajaro Canyon who would be served by it, both the supervisors and the railroad objected to such large expenditures for the benefit of such a

small number of people.

While I can see the force of this reasoning, I cannot, of course, lose sight of the safety feature. However, there is another matter which it is important to consider in this connection; and that is the probability of the construction of the east and west road I have referred to before as the proposed Werner road. There is a large acreage east of the Southern Pacific tracks and south of the Junction which can never be properly served by either the Allison or the Horrigan crossings. Some time in the near future the Werner road will be built across the railroad's single track main line to serve this territory, and when this is done the traffic which now uses the Allison crossing will find its natural outlet in that direction. Any viaduct which can be built over the yards would necessarily have steep grades of approach, while the proposed Werner road would be constructed on a practically level grade. I am satisfied that if a viaduct were built now in a very short time it would be used by only a few families who would live close to it, and all other traffic would go by the level Werner road.

As much as I dislike to approve a crossing such as the Horrigan crossing will be, it seems to me that the best thing that can be done at the present time is to do so and to follow the plan outlined by the Board of Supervisors by closing the Allison crossing and diverting traffic to the Horrigan crossing. The result of making this change will be an improvement over existing conditions, although the situation will still be unsatisfactory. It would be much improved by the construction of the Werner road and I believe that the supervisors would find that the building of that road now, rather than in the future, would be justified as a safety measure that would well repay its expense.

I recommend the following form of order:

O R D E R.

A. A. MILLER AND OTHERS having brought a complaint against the Allison crossing of the Southern Pacific Company; and the BOARD OF SUPERVISORS of Monterey County having applied to the Commission for permission to close the Allison crossing; and a public hearing having been held and the Commission being fully apprised in the premises;

IT IS HEREBY ORDERED, That the complaint in the above entitled matter (Case 973) be and the same hereby is dismissed.

IT IS HEREBY FURTHER ORDERED, That permission be and the same hereby is granted the Board of Supervisors to close that portion of the Allison road, which includes the crossing of the Southern Pacific tracks, more particularly described in the application, subject to the following conditions:

(1) A public highway shall be built between the Horrigan road and the Allison crossing on the south side of the railroad tracks. The Horrigan crossing shall be made thirty (30) feet in width throughout, and a uniform surface shall be constructed across the tracks.

(2) The Horrigan crossing shall be well lighted at night and shall be protected for twenty-four (24) hours a day by a human flagman.

(3) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of said crossing as to it may seem right and proper.

and to revoke its permission if, in its judgment, the public necessity and convenience demand such action.

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 24th day of October, 1916.

Max Thelen

H. B. Leonard

Wm. Gordon

Edwin P. Edgerton

Frank C. Brown

Commissioners.