

Decision No. 41691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Commission's)
 Investigation concerning Grade)
 Crossings within the City of Morgan) Case No. 4893
 Hill, California.)

ORIGINAL

R. S. MYERS, for Southern Pacific Company
 HAROLD HOLDEN, City Attorney, Morgan Hill

O P I N I O N

The Commission instituted this investigation for the purpose of determining what protection and improvements are required at the five grade crossings over the tracks of Southern Pacific Company within the City of Morgan Hill, and whether two of said crossings should be physically closed. The crossings referred to as listed and generally described in the Commission's order of investigation are as follows:

Crossing	Number	Distance between Crossings (Miles)	Number of Tracks	Existing Protection (Signs)	Approx. Width of Crossing (Feet)	Approx. Angle of Crossing
Central Avenue	E-70.4	0.2	1	1 #1	12	84°
Main Avenue	E-70.6	0.4	2	1 #1	20	85°
Diana Avenue	E-71.0	0.1	3	1 #1	12	85°
Dunne Avenue	E-71.1	0.4	2	1 #1	16	76°
San Pedro Avenue	E-71.5		3	2 #1	15	76°

The Commission's order required Southern Pacific and the City of Morgan Hill to show cause why the crossings at Central Avenue and Diana Avenue should not be permanently closed. The order recited also that the Commission would inquire whether Dunne Avenue and Main Avenue should be improved and appropriate automatic signal protection devices installed. The inquiry as to the San Pedro Avenue crossing related to its improvement and the installation of automatic signals as hereto-

fore required by the Commission in its Decision No. 36057 in Application No. 25412.

A public hearing was held in this matter, briefs have been filed, the matter submitted, and it is now ready for determination.

The City of Morgan Hill is located on the main coast line of Southern Pacific Company about 20 miles south of San Jose, in Santa Clara County. The tracks of the railroad pass through Morgan Hill in a general northerly and southerly direction for a distance of about 1-1/4 miles. The city occupies areas on both sides of the railroad. The business area is almost entirely to the west of the railroad, while residents are located both east and west of the railroad. The area to the east is also devoted to agricultural pursuits. About one block west of the railroad and approximately parallel thereto is the main business street of Morgan Hill, which is on the route of U.S. Highway 101 between San Francisco and Los Angeles.

Within the city there are no north and south connecting streets east of the railroad except a short unimproved dedicated street between Diana Avenue and Dunne Avenue, and an improved street between Dunne Avenue and San Pedro Avenue (Railroad Avenue).

The Commission's engineer produced testimony indicating that in order to properly protect these crossings, automatic signals should be installed at the Main Avenue crossing and the Dunne Avenue crossing, and that the crossings of Central Avenue and Diana Avenue should be closed to public use and travel. This, in his opinion, would give sufficient and reasonably safe crossings for the residents of the area. Before this could be realized, however, it would be necessary to construct a connecting street between Central Avenue and Main Avenue, and also between Diana Avenue and Dunne Avenue east of the railroad. The connections suggested by the Commission's engineer are a part of a tentative future street plan developed by the City Engineer of Morgan Hill, as shown in detail on the map marked Exhibit No. 3 in this proceeding. Exhibit No. 14, consisting of five maps, shows the physical characteristics surrounding each of the five crossings.

Considerable opposition was raised to the closing of Diana Avenue, particularly by people living east of the railroad, both inside and outside the city, on the grounds that Diana Avenue is an old established crossing and provides for

them a direct connection with the business area.

It should be pointed out that between the railroad and the main business street the Morgan Hill elementary school is located on both sides of Diana Avenue, and during school hours this portion of Diana Avenue is barricaded to prevent its use by vehicles; therefore, all traffic using Diana Avenue from the east must, after crossing the railroad, diverge either southerly to Dunne Avenue or northerly to one of the short intervening streets between Dunne Avenue and Main Avenue.

The record shows that Central Avenue west of the railroad serves almost entirely small fruit growing farms, and that little use is made of the Central Avenue crossing to reach the State Highway and the business center. In order to eliminate this crossing, a road would have to be constructed through private property to a connection with Main Avenue. The expense would be large considering the small amount of traffic involved.

Main Avenue, the next street south of Central Avenue, carries about twenty vehicles per hour during the daylight hours over its crossing with the railroad. If the Central Avenue traffic were diverted to Main Avenue, the increase in traffic would hardly be noticeable.

San Pedro Avenue is crossed by one main line track, one siding, and one spur track. The spur track was authorized in 1942 by Decision No. 36057, in Application No. 25412. That decision required Southern Pacific Company to protect the main line track by the installation of automatic signals when materials became available. Such signals had not been installed at the time of the hearing in this matter, although testimony indicated that negotiations were in progress between the railroad and the city with respect to the installation of different type of signals than those authorized by Decision No. 36057. Recently the city has improved San Pedro Avenue between the crossing and U.S. Highway 101. This section of the street is now about 30 feet wide, whereas the crossing itself is only 14 feet wide.

The City of Morgan Hill has not yet taken steps to proceed with the plan developed by its engineer in laying out new streets that will connect the several east-west streets which cross the railroad. The testimony given by its engineer indicates the entire street development plan would cost a much greater amount than the city is now able to bear, and that certain of the lands required for the new

streets could not be secured without resort to condemnation proceedings.

Our conclusions as to the action which appropriately should be taken at this time with respect to each of the crossings involved are as follows:

1. Central Avenue and Main Avenue

The Central Avenue crossing is now unimproved and is very lightly used. Although a closing of this crossing would be highly desirable, it would be necessary to construct a new street between Central Avenue and Main Avenue if existing users of the crossing are to have continued access to the highway west of the railroad. It appears that the expense involved in the laying out of such a connecting street would not be justified at the present time. It appears also that until such time as a connection can be made between Central Avenue and Main Avenue, thus adding to the traffic over the Main Avenue crossing, we would not be justified in directing the improvement of the latter crossing and the installation of automatic signals.

2. Diana Avenue Crossing

The closing of the Diana Avenue crossing would also necessitate the laying out of a street east of the railroad to connect Diana Avenue and Dunne Avenue. The Commission is of the opinion that the construction of such a connecting street should be undertaken promptly and the Diana Avenue crossing then be closed. The usefulness of this crossing today is considerably reduced by the fact that during school hours Diana Avenue is closed where it passes through the school grounds, and it is not improbable that the future needs of the school may compel the permanent closing of this portion of Diana Avenue. The acquisition of a street to connect Diana Avenue with Dunne Avenue east of the railroad would afford all users of the Diana crossing reasonably adequate crossing facilities, and with the installation of automatic protective signals at the Dunne Avenue crossing, all vehicles would be afforded a safer crossing. Distinct benefits would thereby accrue to both the city and to Southern Pacific Company.

Although our order in this proceeding will not at this time direct the closing of Diana Avenue and the installation of signal protection at Dunne Avenue, we will by permissive order authorize these changes to be made in the expectation that the City of Morgan Hill will proceed promptly with its general plan to lay out a connecting street so as to route the traffic along Diana Avenue over the Dunne

Avenue crossing.

3. San Pedro Avenue

No order with respect to the improvement of San Pedro Avenue appears to be necessary at the present time. Southern Pacific Company was required by Decision No. 36057 to install automatic signals and to improve the grades at this crossing. It will be expected to comply with the provisions of that decision. The Commission does not consider it appropriate to approve the special agreement between Southern Pacific Company and the City of Morgan Hill with respect to the type of improvements to be made at this crossing and the assumption by the city of part of the expense incident to such improvements.

Should the city bear a part of the expense involved in the improvement and protection of the San Pedro Avenue crossing, and should further proceedings be had to develop a final program for either the closing or improvement of the several crossings here involved, the Commission in allocating costs can take into consideration the financial burdens actually incurred and the benefits derived from the entire improvement program.

ORDER

A public hearing having been held and the matter being under submission;

IT IS HEREBY ORDERED that authority is hereby granted to Southern Pacific Company and the City of Morgan Hill to close the Diana Avenue crossing when a proper street connection is built east of the railroad between Diana Avenue and Dunne Avenue, at the location substantially as shown on Exhibit No. 3, and to install and operate two No. 8 flashing light signals at the Dunne Avenue crossing. The expense of these developments should be divided as follows:

City of Morgan Hill shall bear the cost of constructing and maintaining the connecting street between Diana Avenue and Dunne Avenue.

Southern Pacific Company shall bear the expense of installing two No. 8 flashing light signals at the Dunne Avenue crossing, and their maintenance thereafter. Southern Pacific Company shall bear the expense of effectively barricading the Diana Avenue crossing.

Within thirty days after completion pursuant to this order respondents shall so advise the Commission in writing. This authorization shall become void if not exercised within one year unless time be extended or if above conditions are not complied with.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 8th day of June, 1948.

R. Z. Midram
Justice J. Greener
James Fawcett
Harold H. Kala
Kenneth J. Jotta
Commissioners