

ORIGINAL

Decision No. 44074

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC )  
COMPANY for an Order to abolish crossings of roads by ) Application No. 30910  
a railroad in Santa Clara County, California. )

In the Matter of the Commission's investigation con- )  
cerning grade crossings within the unincorporated ) Case No. 5185  
town of San Martin, Santa Clara County, California. )

R. S. MYERS, for Southern Pacific Company, Applicant in  
Application No. 30910.

J. J. DEUEL and ELDON DYE, for California Farm Bureau  
Federation, Interested parties.

PATRICK T. CONCANNON, for San Martin Vineyards Company,  
Protestant.

RAYMOND GWINN, for San Martin Elementary School,  
Interested party.

VIOLA E. ADAMS, for Welfare of San Martin, Protestant.

ALVIE T. SCHIERMEYER, for District of San Martin as resident  
and parent of High School Students, Protestant.

ARTHUR W. BROWN, for Board of Supervisors of Santa Clara  
County, Interested party.

O P I N I O N

In Application No. 30910 Southern Pacific Company requests permission to  
close the crossings at grade of North Street and South Street in the unincorporated  
town of San Martin, Santa Clara County.

By Case No. 5185 the Commission on its own motion instituted an investiga-  
tion into the maintenance, operation, use, safety protection, alteration, relocation,  
or abolition by physical closing of the above-mentioned crossings.

A public hearing was held in San Jose on March 23, 1950, before Commissioner  
Huls, at the close of which the representative of the San Martin Vineyards Company  
requested permission to contact his principals, and it was stipulated that if they  
desired, a further hearing would be held.

San Martin Vineyards Company has now advised the Commission that it does not desire further hearing; therefore the matter stands submitted.

At the hearing it was stipulated that Application No. 30910 and Case No. 5185 would be consolidated for hearing and determination.

The main line of Southern Pacific Company's Coast route traverses Santa Clara County in a general north and south direction, passing through the unincorporated town of San Martin, located about 28 miles south of San Jose. U. S. Highway Route No. 101 parallels the railroad to the west through the San Martin territory. Three streets in this territory running in a general east and west direction cross the tracks of the railroad and intersect the State highway.

North Street (Crossing No. E-74.4), is located at the north edge of the community; San Martin Avenue (Crossing No. E-74.6), is about 1,300 feet south thereof and passes through the center of the community; and South Street (Crossing No. E-74.9), is about 1,300 feet south of San Martin Avenue at the southerly edge of the community. All of these streets and various others are shown on the map filed at the hearing (Exhibit No. 11). The number of railroad tracks involved at each of these crossings and traffic data concerning the crossings are shown on the following table.<sup>(1)</sup>

Street	North Street	San Martin Avenue	South Street
Crossing Number	E-74.4	E-74.6	E-74.0
Protection (G.O. 75-B)	2 Std. #1 Crossing Signs	1 Std. No. 3 Wigwag 1 Std. No. 1 Crossing Sign	1 Std. No. 1 Crossing Sign
Number of Tracks	2	3	3
<b>Traffic:</b>	(a)	(b)	(c)
Automobiles	79	823	81
Trucks	16	236	36
Pedestrian & Misc.	<u>10</u>	<u>309</u>	<u>2</u>
Total Highway	105	1,368	119
Passenger Trains	5	5	5
Freight Trains	8	9	8
Switching Movements	<u>-</u>	<u>-</u>	<u>2</u>
Total Rail	13	14	15

- (a) 7:00 a.m. to 7:00 p.m. - March 15, 1950
- (b) 7:00 a.m. to 7:00 p.m. - March 16, 1950
- (c) 7:00 a.m. to 7:00 p.m. - March 17, 1950

(1) From Exhibits Nos. 12, 13, 14, 15, and 16.

This record shows that the vehicular traffic at North and South Streets is relatively light, whereas San Martin Avenue carries the major portion of the traffic between the town east of the railroad and the State highway. Depot Street, which is parallel to the railroad and about 150 feet east thereof, connects all three streets which cross the railroad.

Most of the residences and places of business east of the railroad are centered about San Martin Avenue, as shown on Exhibit No. 11, an exception being the San Martin Vineyards Company located adjacent to the railroad south of South Street and connected thereto by a private roadway, a distance of about 600 feet.

If North and South Streets were closed, all traffic using these streets of necessity would be routed over the San Martin Avenue crossing, which is now protected by one Standard No. 3 wigwag signal (G. O. No. 75-B).

Residents of San Martin east of the railroad and the San Martin Vineyards Company opposed the closing of the crossings at North and South Streets. Those living in the vicinity of North Street protested on the grounds that it would take them longer to reach points to the north if they were required to use the San Martin Avenue crossing, about one-quarter mile distant. It was their contention that they would be deprived of their normal means of travel to points north and would be required to travel an additional one-half mile. The San Martin Vineyards Company protested the closing of the South Street crossing on the grounds that this would materially interfere with the delivery of grapes and grape products to the winery, particularly during the grape movement season. They showed that the biggest percentage of trucks hauling grapes to the winery comes along the State highway from points south of San Martin. If South Street were closed, these trucks of necessity would have to proceed to San Martin crossing and back to South Street, an additional distance of about one-half mile, or use a circuitous route turning off the State highway about one mile south of San Martin, and various county roads to reach the winery.

The fact that pedestrians, including school children, would use the San Martin Avenue crossing along with vehicles, thus causing a hazard, raised objection.

The County of Santa Clara did not officially take a position in this matter.

The record shows that if North and South Streets are closed, the single Standard No. 3 wigwag signal at the San Martin Avenue crossing should be replaced by two Standard No. 8 Flashing Light Signals (G.O. No. 75-B) connected with all three tracks of Southern Pacific Company, the circuits of which should provide for the minimum amount of false indication of approaching trains; also that provision should be made for a pedestrian path or sidewalk of such a nature that it could not be used by vehicular traffic.

In reviewing the entire record in these proceedings we find that public convenience, necessity, and safety would be better provided by concentrating all the traffic over the railroad at San Martin Avenue, and that better protection should be provided at this crossing; that the inconvenience caused by the closing of North and South Streets would be more than offset by the installation of improved protection at the San Martin Avenue crossing as the hazard at these two unprotected and little-used crossings would be eliminated; and that a pedestrian way should be installed over the tracks at this location to separate pedestrians from the vehicular traffic.

Due to the fact that Southern Pacific Company would be relieved of the maintenance of two crossings, and the people of San Martin would be somewhat inconvenienced by closing North and South Streets, the railroad should bear the cost of and maintain any additional protection at the San Martin Avenue crossing, and should also prepare the track to receive the sidewalk pavement. The County should provide a sidewalk for the pedestrians to cross the right of way of the railroad.

#### ORDER

A public hearing having been held and the matters submitted, IT IS ORDERED that:

I. Southern Pacific Company at its sole expense shall remove from the crossing at grade of San Martin Avenue (Crossing No. E-74.6) the single Standard No. 3 Wigwag Signal (G.O. No. 75-B), and install in lieu thereof two (2) Standard No. 8 Flashing Light Signals (G.O. No. 75-B) connected with the three tracks occupying said crossing, subject to the following conditions:

- (1) Circuit plans for said Standard No. 8 Flashing Light signals shall be filed with the Commission before commencement of installation of said signals.
- (2) Said flashing light signals shall be installed and in operation within ninety (90) days after the effective date of this order, unless further time is granted by subsequent order.

II. Southern Pacific Company at its sole expense shall prepare its tracks, including guard rails, to receive the pavement for a sidewalk not to exceed five feet in width, adjacent to the existing crossing of San Martin Avenue.

III. The County of Santa Clara at its sole expense shall construct a sidewalk not to exceed five feet in width adjacent to San Martin Avenue crossing, so barricaded that it cannot be used by vehicular traffic. Said sidewalk shall be installed within ninety (90) days after the effective date of this order.

IV. The Board of Supervisors of Santa Clara County, within ninety (90) days after the effective date of this order, shall file with this Commission certified copy or copies of appropriate ordinance or ordinances, or resolution or resolutions, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossings at grade of North Street (Crossing No. E-74.4) and South Street (Crossing No. E-74.9) in the unincorporated town of San Martin, Santa Clara County.

V. Upon the completion of the installation of said Standard No. 8 Flashing Light Signals and sidewalk at the grade crossing of said San Martin Avenue, the grade crossings of said North Street and South Street shall be legally abandoned, closed, and barricaded to public use and travel.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, April 18th, 1950.

R. E. Anderson  
Justice J. Craven  
Harold F. Duggan  
Harold F. Hill  
Kenneth L. Potter  
Commissioners