

ORIGINAL

Decision No. 40630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of Application of)
SOUTHERN PACIFIC COMPANY for an)
order authorizing construction at)
grade of industrial drill track)
across Santa Clara-Alviso Road in)
Santa Clara County, California.)

Application No. 28522

E. J. FOULDS, for Applicant.

O P I N I O N

There is now being developed the "Santa Clara Industrial Area" west of the Santa Clara-Oakland main line of Southern Pacific Company between Kifer Road and Mathew Street in the City of Santa Clara. (1) The Santa Clara-Alviso Road runs generally parallel to the Santa Clara-Oakland main line of the Southern Pacific and approximately 1,400 feet west thereof. (2) In the instant application Southern Pacific requests permission to install an industrial track, described as Crossing No. 1, at grade across Santa Clara-Alviso Road about midway between Martin Street and Walsh Street for the purpose of serving areas west of said highway. (3)

The proposed crossing is located about 1,100 feet south of the crossing at grade authorized by the order in Decision No. 40050, dated March 11, 1947, in Application No. 28202. The two tracks involved are approximately parallel with each other. The crossing authorized by Decision No. 40050 was for the extension of an industrial track to serve primarily the Owens-Corning Fibreglas Corporation, which is constructing a large plant at the intersection of Kifer Road and said Santa Clara-Alviso Road.

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- (1) At the time of the filing of the application, this territory was unincorporated. However, recently it has been taken in as a part of the City of Santa Clara.
 - (2) The area and street system involved is shown on Exhibit 1, filed at the hearing.
 - (3) A public hearing was held in this matter before Examiner Hall on September 2 in San Francisco, at which time the matter was submitted for determination.

The track involved in this proceeding will serve the industrial property between Walsh and Martin Avenue and west of the Santa Clara-Alviso Road. It appeared from the record that this property could not be economically served by extending a track from those serving the Owens-Corning Fibreglas Corporation.

To the south of this industrial area and west of Santa Clara-Alviso Road is a large area which could, in the future, become industrial. Witnesses for applicant show that if this property should ever need spur track facilities it could be served by the track herein involved without the necessity of constructing a further track across said Santa Clara-Alviso Road. The developer of the property assured the Commission that he would provide a right-of-way reservation along the west line of his property of sufficient width for a future track to be expanded southerly to reach this undeveloped area.

A traffic count was submitted for the record (Exhibit No. 2), showing that for the 24-hour period for August 27, 1947, 3,634 automobiles, 842 trucks, 24 motor vehicles, 21 buses, 15 bicycles, and 24 pedestrians traveled along said highway. The trainmaster for applicant testified that the company proposed to serve this entire territory with one switch engine and that the two crossings involved would not be occupied at the same time and, furthermore, their switch crews would change shifts at about the time of the morning and evening peak travel and therefore would not ordinarily be working in the vicinity of the crossings. There may, on occasions, be emergency switching during the peak periods. The plan of operation, and the tracks are so laid out, provides for only through movements over the crossing, and all industry switching would be done without occupying the Santa Clara-Alviso Road. In other words, there would be no shunting of cars over said crossing.

The City Engineer of the City of Santa Clara showed, by Exhibit No. 4, the plans for highway improvement in and about Santa Clara

and this industrial area. It is his contention and belief that when these various improvements have been completed much of the present travel now using the Santa Clara-Alviso Road would divert to other more advantageous routes.

Some discussion was had with respect to the serving of this industrial property from the San Jose-San Francisco coast line of Southern Pacific. Service in this manner would require operating along the main line for a considerable distance beyond the switching limits of Santa Clara, the construction of a long drill track and the securing of rights-of-way through private property not owned or controlled by the owner or operator of the Santa Clara industrial area. This method of performing switching service, in applicant's opinion, would be neither economical, convenient, nor expeditious.

After a review of the entire record in this proceeding, we are convinced the tracks as proposed are necessary for the development of the Santa Clara Industrial Area. The applicant, however, is placed on notice that as this industrial area grows west of the Santa Clara-Alviso Road, it must plan its track development to avoid future crossings over this relatively important highway. We will grant the application provided that the crossing be protected by automatic signals as hereinafter specified.

O R D E R

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

IT IS HEREBY ORDERED that Southern Pacific Company is authorized to construct one drill track at grade across Santa Clara-Alviso Road in Santa Clara at the location referred to and described in the application as Crossing No. 1, to be identified as Crossing No. L-44.5-C. Applicant shall bear entire construction and maintenance

expense. Construction of said crossing shall be equal or superior to Standard No. 2 of G. O. No. 72, without superelevation and of a width to conform to the portion of the street now graded, with tops of rails flush with roadway, and with grades of approach not exceeding one per cent. Protection shall be by two Standard No. 8 crossing signals (G. O. 75-B). Plans and description of method of operation of said signals shall be filed with the Commission prior to installation. Pending the installation of said signals, but for a period not in excess of six months from the effective date of this order, applicant may operate trains over said crossing provided all trains, engines or cars are brought to a stop before passing over the crossing, and traffic on the highway is protected by a flagman.

Within thirty days after completion pursuant to this order, applicant 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. Authorization may be revoked or modified if public convenience, necessity or safety so require. This order shall be effective twenty days from the date hereof.

Dated at Los Angeles, California September 10, 1947.

Harold P. Kuhl
Justice J. C. ...
W. H. ...
R. J. ...
Commissioners