

Decision No. 41548

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 the Board of Supervisors of the County
 of Santa Clara, State of California, for
 an order of the Public Utilities Commission
 authorizing the Applicant to construct a
 public highway across a Railroad (Rincon
 Avenue over S.P. Co. railroad)

Application No. 28735

Edwin H. Williams, Assistant County Counsel,
 Santa Clara County
 R. S. Myers, Southern Pacific Company
 Robert B. Chandler, in propria persona

O P I N I O N

In this application the County of Santa Clara requests authority to construct a public road known as Rincon Avenue at grade across tracks of the Southern Pacific Company, San Jose - Los Gatos Line, in the unincorporated town of Campbell. A public hearing was held on April 5, 1948 at which time the matter was submitted.

The railroad extends more or less southwest to northeast passing through the eastern edge of Campbell. Rincon Avenue extends in an easterly and westerly direction through Campbell, but one block west of the proposed crossing it turns to the southeast and thus would cross the railroad at a 90 degree angle. The proposed crossing would afford a connection between the built-up portion of Campbell, west of the tracks, and Railroad Avenue which runs parallel to the railroad immediately to the east.

The California Prune and Apricot Association operates a dehydrating plant which is located adjacent to and west of the railroad right of way and on the north side of Rincon Avenue. The proposed extension of this Avenue across the property of the Prune and Apricot Association and across the tracks of the Southern Pacific Company would permit trucks to operate directly from Railroad Avenue into the plant without passing through the more congested sections of Campbell.

The nearest public crossing north of Rincon Avenue is at Central Avenue, approximately 550 feet away and the next is at Campbell Avenue, 600 feet further. To the south there are public crossings at Sunnyside Avenue 633 feet away and at Kennedy Avenue about 400 feet further. The proposed crossing would extend across the middle of Campbell station reservation and would cross the main line, two side tracks and a crossover. Daily railroad operations consist of a total of two passenger trains, one freight train and local switching.

A witness for the applicant stated that the proposed crossing would provide another outlet for the business section of Campbell and thus relieve congestion on Campbell Avenue as well as facilitate access to the southeastern portion of Campbell in case of fire. It was further stated that the principal need for the proposed crossing was to provide a short route for trucks coming into the dehydrating plant and it was admitted that this need could be met by the construction of a private crossing at this point.

Witnesses for Southern Pacific Company in protesting the application stated that the site of the proposed crossing is located in the San Jose Yard limits, that during certain seasons of the year switching movements would be almost continuous and that standing freight cars in the yard would frequently block the crossing for long periods of time or obscure vision at that point.

The record shows that Southern Pacific Company and the California Prune and Apricot Association entered into a private crossing agreement dated August 25, 1947 and that subsequently a private driveway has been constructed across the tracks and into the yard of the dehydrating plant at about the location of the proposed public crossing. This agreement provides the Association will maintain a flagman when the plant is operating, that all trucks shall stop before passing over the crossing and that during the off season the gate into the yard shall be locked and traffic effectually barred from

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using this private crossing.

From the record in this application, it appears that there are already four crossings in the immediate vicinity of Rincon Avenue, all being within a distance of less than one half mile, and that the proposed crossing would be hazardous by reason of its location in the Campbell Yard with frequent switching movements and by obstructed sight distances caused by standing cars. It further appears that the principal need for the proposed public crossing has been met by the construction of a private crossing into the dehydrating plant.

Review of the record leads to the conclusion that public convenience and necessity does not require a public crossing at this location and that the application should be denied.

O R D E R

A public hearing having been held and the matter submitted, IT IS HEREBY ORDERED that this application be and the same is hereby denied.

This order shall become effective twenty days from the date hereof.

Dated at Los Angeles, California, this 4th day of May, 1948.

R. 3. [Signature]
Justice F. [Signature]
Grass [Signature]
Harold [Signature]
Herbert [Signature]
COMMISSIONERS