

Decision No. 41550

CONFIDENTIAL

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)	Application No. 28737
authorizing the applicant to construct a)	
public highway across a Railroad.)	
(Baroni Avenue over S.P. Co. Railroad))	

Edwin H. Williams, Assistant County Counsel
 for the County of Santa Clara.
 R. S. Myers, 65 Market Street, San Francisco
 for Southern Pacific Company.
 Robert B. Chandler, in propria persona.

O P I N I O N

In the above entitled application the County of Santa Clara requests authority to construct a public highway known as Baroni Avenue across the main line tracks of Southern Pacific Company in the vicinity of Lick Station. Public hearing was held in San Jose on April 5, at which time that matter was submitted.

Baroni Avenue was originally a private lane extending westerly from State Highway Route 2 across the adjacent main line tracks of Southern Pacific Company, and terminating about a mile west of the tracks. It serves some six or eight houses and farms. Several years ago the county took over this private road as a public highway. In the present application authority is requested to convert the existing private crossing into a public crossing. The existing crossing is narrow and the approaches are rough. The easterly approach is at a steep grade necessitated by the adjacent highway. Visibility is impaired by orchards on one side of the tracks and a row of shade trees along the westerly edge of the state highway. Rail traffic is heavy and moves at high speed. The crossing is unsafe in its

present condition, and if it remains, it should be improved and protected by standard crossing signals.

As an alternate to the establishment of a public crossing at Baroni Avenue, there is evidence that a parallel road could be opened along the westerly side of the railroad right-of-way for about a quarter of a mile, to connect Baroni Avenue with Snell Road to the south, where there is an existing public crossing (No. E-56.7). This plan would require the acquisition of right-of-way and the construction of a road over property, some of which is now planted with young fruit trees. If such a connecting road were constructed, a single railroad crossing at either Baroni Avenue or at Snell Road would adequately serve the public.

Under present conditions the residents along Baroni Avenue have no access to the public highway east of the Southern Pacific tracks except over the existing private crossing. Until steps can be taken to construct a connecting highway west of the tracks, the hazards existing at this private crossing can be greatly reduced by widening and improving it, as the county proposes, and installing automatic signals. The county agreed to bear the expense of such improvement and protection. The application will therefore be granted but the authorization here given should be construed as a temporary solution only. It may be that applicant will deem it desirable and more economical to proceed at once with the opening of a new connecting highway to the west, thus permitting the early elimination of either one or the other of these crossings.

O R D E R

Hearing having been held in the above entitled application and the matter submitted and ready for decision, it is ordered that the County of Santa Clara is authorized to construct a public crossing

of Baroni Avenue with the main tracks of Southern Pacific Company, in the vicinity of Lick Station at the location more particularly described in the application and shown on the map "Exhibit A" attached thereto, subject to the following conditions:

1. The above crossing shall be identified as Crossing No. E-56.5.
2. The crossing shall be constructed of a width of not less than 24 feet and at an angle of approximately 90 degrees to the railroad, with grade of the approach not in excess of 3 per cent on the westerly side, and as light as is physically possible on the easterly approach. Construction shall be equal or superior to the type shown on Standard No. 2 in the Commission's General Order No. 72. The crossing shall be protected by two Standard No. 8 flashing light signals as specified in the Commission's General Order No. 75-B.
3. The entire expense of constructing the crossing, including the protection herein ordered, shall be borne by applicant. The cost of maintenance of that portion of the crossing up to lines 2 feet outside of the outside rails shall be borne by applicant. The cost of maintenance between said lines, together with the cost of maintaining the protection, shall be borne by Southern Pacific Company.
4. 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.

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

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

R. F. [Signature]
Justice J. [Signature]
[Signature]
[Signature]
[Signature]
 COMMISSIONERS