

Decision No. 41556

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.)
(Valley View Drive over Southern Pacific)
Company's right of way))

ORIGINAL

Application No. 28739

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 Valley View Drive at grade across the Los Altos Branch of Southern Pacific Company near Springer Road Station, about 2 miles south of Los Altos.

A public hearing was held at San Jose, April 5, 1948, at which time the matter was submitted.

At this point the railroad runs more or less in a northwest to a southeast direction. Fremont Avenue, the principal highway serving this area, parallels the railroad immediately to the east. Valley View Drive begins at Fremont Avenue, crosses the railroad at right angles at a private crossing and extends approximately one-half mile to the southwest to Summerhill Road. The present application seeks to open a public crossing at the site of the existing private crossing. Public crossings are now provided at Magdalen Road, approximately 1400 feet to the south, and at Fremont Avenue 1800 feet to North. Border Road, parallel to and immediately west of the railroad, extends for a distance each side of Valley View Drive, but not as far as either of the adjacent crossings.

A witness for the applicant stated that the proposed crossing would provide access to a new subdivision lying between the railroad and Summerhill Road containing 24 to 30 lots, and that there are now 12 new houses in this tract. It was stated that the only other access to this tract is by means of Summerhill Road which is parallel to the railroad and approximately one-half mile to the west. Summerhill Road connects on the south to Magdalen Avenue and on the north with Quinhill Avenue, which in turn connects with Fremont Avenue. Thus it appears that access to this tract can be obtained by existing public crossings although the route is somewhat circuitous.

Witnesses for Southern Pacific Company in protesting the application stated that the crossing was unsafe because of the 11½ per cent approach grade from Fremont Road up to the railroad track, and also because of the approximately 8 per cent grade up-hill from the tracks to Border Road. It was stated that very little could be done to correct this situation without changing the elevation of the railroad or of Fremont Road.

The witness for the applicant agreed that the present private crossing is unsafe by reason of its narrow width, steep approach grades and some obstruction to vision due to scrub oaks. Applicant desires to widen and improve the crossing and remove the scrub oaks.

It was further pointed out by Southern Pacific Company witnesses that access to a safer crossing could be gained by extending Border Road 840 feet to the south to meet Magdalen Road where a public crossing already exists. It was stated that there were no obstacles in the path of such an extension except a small creek that would have to be crossed by a culvert. A similar extension to the north would connect Border Road with the Fremont Avenue crossing, but there is a building in the path of such an extension.

The railroad traffic, it was testified, consists of a total of two passenger trains daily and one freight train. The speed limits were stated to be 35 miles per hour for passenger trains and 30 miles per hour for freight trains. The passenger trains make regular stops at the Springer Road Station which is located at Magdalen crossing.

From the record in this case, it appears that a crossing at this location would be unsafe due to the steep approach grade (11½ per cent) and that it would not be practicable to reduce this grade. It also appears that access to the subdivision is available by alternate, although slightly longer routes, over other public crossings. The most desirable solution to the problem would be the extension of Border Road both to the north and the south along the railroad tracks, thus connecting with the Magdalen Road crossing and the Fremont Avenue crossing. The extension to the south would have the further benefit of giving the tract better access to the Springer Road Railroad Station. In the event that Border Road is extended as suggested, the private crossing at Valley View Drive could be closed.

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

O R D E R

A public hearing having been held in the above entitled application and the matter submitted,

IT IS HEREBY ORDERED that this application be, and the same is hereby, denied.

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

R. J. [Signature]
Justus J. Calver
Robert [Signature]
Harold [Signature]
Kenneth [Signature]
COMMISSIONERS