

ORIGINALDecision No. 50062

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY for an order)
 to require that a crossing by a) Application No. 35212
 publicly used road by a railroad in)
 Santa Clara County, be abolished.)

R. S. Myers, for applicant.

M. D. McGill, for the Santa Clara Road Department,
 interested party.

M. J. Lewis, for the Commission staff.

O P I N I O N

By the above-entitled application Southern Pacific Company requests that this Commission make its order requiring that a crossing at grade by a publicly used road known as Miranda Road over the Los Altos branch of its railroad be abolished by physical closing. Applicant alleges that said crossing no longer serves any material public convenience and necessity.

Public hearing was held on this application in Los Altos, April 28, 1954, before Examiner Rowe. Evidence, both oral and documentary was adduced and the matter was duly submitted for decision. Notice of the hearing was duly published in a newspaper of general circulation in the area but no one appeared in opposition.

The assistant division engineer of applicant testified that this crossing constituted a serious traffic hazard, that the roadway was too narrow and due to the fact that the roadway crossed the tracks at a 45° angle and at a point obscured by brush and trees visibility was poor. Several landowners in the area testified that the portion of the road east and south of the tracks constituted

a necessary easement which they maintained to reach the public highway to the south. However, they stated that this crossing resulted in an excessive use of their easement by unauthorized persons. All present supported the application. The Santa Clara County Engineer stated that Miranda Road lying in County territory at the point it crossed the tracks was not a County road. A traffic count showed that on April 14, 1954 thirty automobiles and thirteen bicycles crossed the railroad at this point over this narrow road. A substantial portion of this vehicular traffic used the crossing at times when freight and passenger trains are scheduled to be passing.

The Commission finds as a fact that this crossing designated by applicant as Milepost EN 34.7 is not required by public convenience and necessity, that those needing to cross the tracks have adequate means of doing so over a wider and better paved road involving only a slightly greater distance to be traveled and which crossing is properly protected, and that said crossing at Miranda Road constitutes a serious traffic hazard which should be closed to the use by the public.

O R D E R

Application therefor having been filed, public hearing having been held and the Commission having found that the public interest requires the granting of the application,

IT IS ORDERED that the grade crossing over the Southern Pacific Company tracks of its Los Altos Branch at Miranda Road designated on the applicant's records as Milepost EN 34.7 be, and it hereby is, ordered closed by constructing proper barriers in such manner as effectively to prevent the use thereof by vehicular traffic at the sole cost of applicant.

IT IS FURTHER ORDERED that within thirty days after said crossing is so closed applicant shall give the Commission written notice of its compliance with the conditions hereof.

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

Dated at San Francisco California, this 18th day of May, 1954.

John E. Mitchell
PRESIDENT
Justin F. Caswell
Samuel Potter
Gene Rogan
COMMISSIONERS