

Decision No. 54386**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into)
 that grade crossing located at the)
 intersection of San Antonio Avenue)
 and Track of the Southern Pacific)
 Company main line in Mountain View,)
 Santa Clara County, being also)
 identified as Crossing No. E-34.0)

Case No. 5814

Randolph Karr & Frederick E. Fuhrman for
 Southern Pacific Company; R. T. Smeltzer
 for the County of Santa Clara; Philip T.
Lawlor for the City of Mountain View;
Jerome Keithley for the City of Palo Alto,
 respondents;
William C. Bricca and Martin Porter for the
 Commission's staff.

O P I N I O N

On September 4, 1956, the Commission signed an order instituting an investigation into the safety, maintenance, operation, use and protection of Crossing No. E-34.0, a point at which the double track main line of the Southern Pacific Company, within the City of Mountain View, crosses at grade a street known as San Antonio Avenue.

A public hearing was held before Examiner Daly on November 15, 1956, at Palo Alto.

The record indicates that during a 24-hour period the vehicular traffic volume is 8,590. The average number of train movements in a 24-hour period is 73. During the past 10 years there have been 7 accidents at the intersection which resulted in 4 deaths, the last occurring November 1, 1956. The staff recommended that automatic crossing gates be installed at the crossing.

The need for additional safety precaution in the form recommended by the staff was not disputed by respondents. The only issue concerned the allocation of the estimated \$15,000 installation cost.

The crossing is located in Mountain View, however, San Antonio Avenue provides a direct access to and from the Bayshore Highway for residents of Palo Alto, Mountain View, Los Altos and those living in the immediate unincorporated areas of Santa Clara County. With the exception of the County all parties indicated a willingness to share a portion of the cost. A representative of the County of Santa Clara was of the opinion that the County's responsibility pertained only to grade crossings located within its unincorporated areas. He stated that on two previous occasions the county had assumed the full cost of improving certain crossings only to have them made a part of an incorporated area shortly thereafter. In neither instance did the municipality share nor was it requested to share in the payment of costs.

After consideration the Commission is of the opinion and so finds that public safety requires that automatic crossing gates be installed at the San Antonio Avenue Crossing (Crossing No. E-34.0); that in balancing the equities the County of Santa Clara will not be required to pay any portion of the cost and that said cost will be allocated between the remaining parties hereto as follows:

Southern Pacific Company	50%
City of Palo Alto	16-2/3%
City of Los Altos	16-2/3%
City of Mountain View	16-2/3%

It is understood of course that the Cities of Palo Alto, Los Altos and Mountain View may make appropriate application for reimbursement from the Crossing Protection Fund.

ORDER

Public hearing having been held and based upon the evidence adduced therein,

IT IS ORDERED:

(1) That on or before May 15, 1957, Southern Pacific Company shall install two standard No. 8 Flashing Light Signals (G.O. 75-B) supplemented with automatic crossing gates of the type and design set forth in Exhibit 10 in this proceeding at the San Antonio Avenue Crossing (Crossing No. E-34.0).

(2) That the cost of installation of the Automatic Crossing Gates referred to in ordering paragraph (1) hereof shall be allocated between the parties hereto as follows:

Southern Pacific Company	50%
City of Palo Alto	16-2/3%
City of Los Altos	16-2/3%
City of Mountain View	16-2/3%

(3) The Southern Pacific Company shall bear all maintenance cost of the protection ordered herein.

(4) That the Secretary is directed to cause a certified copy of this decision to be served personally upon an authorized representative of the parties hereto.

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

Dated at San Francisco, California, this 15th day of JANUARY, 1957.

[Signature]
 President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.