

Decision No. 60071

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Mountain View, for an)
order authorizing the construction of)
a crossing at separated grades between)
San Antonio Avenue and the tracks of)
the Southern Pacific Company, some-)
times referred to as the "San Antonio)
Avenue Overpass".)

Application No. 41467

O R D E R

The City of Mountain View has filed Application No. 41467 which in part seeks: (1) authority to construct a crossing at separated grades between San Antonio Avenue and the Southern Pacific Company's railroad tracks which now intersect San Antonio Avenue at grade, and (2) an order by this Commission allocating the public agency portion of the costs of the grade separation between applicant and the County of Santa Clara, the City of Palo Alto and the City of Los Altos, which are alleged to be "affected" public agencies within the purview of Public Utilities Code Section 1202.5.

Copies of the application were served upon the County of Santa Clara, City of Palo Alto and City of Los Altos, among others.

The City of Palo Alto has filed a motion to have it dismissed from the proceeding. The City of Los Altos has filed a motion to have it dismissed as a party to the proceeding or, in the alternative to bring in other parties which it alleges are similarly affected.

No evidence has been taken in this matter by the Commission. Disposition of the motions must be made upon the pleadings.

The motions to dismiss are based upon the contention that this Commission has no jurisdiction in this matter over the cities of Los Altos and Palo Alto.

If a public agency is "affected" by a grade separation project this Commission has the jurisdiction to apportion part of the cost of the project against said agency. Whether a particular public agency in a given case is "affected" is a question of fact. This Commission has the authority to determine whether the facts, upon which it may take jurisdiction, exist.

The motions to dismiss filed by the City of Palo Alto and the City of Los Altos are denied.

The City of Los Altos has asked by way of alternative relief that other public agencies which it alleges are also affected by the proposed grade separation be included in this proceeding. The Commission has this day entered upon its own motion an Order Instituting Investigation to determine whether a grade separation should be constructed at San Antonio Road and which, if any, public agencies other than the City of Mountain View will be affected by said grade separation and should bear a portion of the costs thereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of May, 1960.

[Signature]
President

[Signature]

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Commissioners