

ORIGINAL

Decision No. 67728

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission investigation into the safety, maintenance, operations, use and protection of the Whisman Road Crossing No. E-36.8 of Southern Pacific Company in the City of Mountain View, County of Santa Clara.

Case No. 7735

George D. Moe and Melvin R. Dykman, for the State Department of Public Works; Fred Caplee, Richard H. Pratt, John T. O'Halloran, and William Anderson, for the City of Mountain View; John R. Kennedy, for the County of Santa Clara; Randolph Karr and Harold S. Lentz, for Southern Pacific Company, respondents. John E. Griffiths, for Ferry-Morse Seed Company, interested party. Lawrence Q. Garcia and William R. Peters, for the Commission staff.

O P I N I O N

By its order dated October 1, 1963 the Commission instituted an investigation into the safety, maintenance, operations, use and protection of the Whisman Road Crossing No. E-36.8 of the Southern Pacific Company in the City of Mountain View, County of Santa Clara.

Public hearings were held before Examiner Porter at Mountain View on March 4, 5 and 30 and July 6, 1964.

The staff of the Commission presented evidence that in view of contemplated Freeway and Expressway construction in the vicinity of the Whisman Road Crossing, the Whisman Road Crossing would become hazardous to the health and safety of the public.

On July 6, 1964 the parties stipulated that the Commission issue an order authorizing construction of a grade separation at the location of Whisman Road.

O R D E R

IT IS ORDERED that:

1. The motion of the State of California, Department of Public Works, Division of Highways, that the proceeding be dismissed as to it is denied.
2. The City of Mountain View is hereby authorized to construct a crossing at separated grades over the tracks of the Southern Pacific Company, at Whisman Road, Santa Clara County. The crossing shall be designated as E-36.8-A.
3. Plans of said crossing approved by the Southern Pacific Company shall be filed with the Commission within one hundred eighty days from the date hereof.
4. Said plans shall be approved by this Commission prior to commencing construction.
5. Construction and maintenance expenses shall be borne in accordance with an agreement entered into between the parties relative thereto, and a copy of said agreement filed with the Commission. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order. Said affected parties may, sixty days after the approval of the plans by the Commission, petition the Commission to reopen the case for the purpose of apportioning the costs of construction and maintenance.
6. Concurrent with or prior to the opening to traffic of the new Whisman Road grade separation structure, the present grade crossing at Whisman Road, No. E-36.8, shall be closed and effectively barricaded to traffic.

7. Within thirty days after completion pursuant to this order the City of Mountain View shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended or if said conditions are not complied with.

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

Dated at San Francisco, California, this 18th day of AUGUST, 1964.

Frederick B. Hallock
President

John E. Mitchell

Wesley A. Page

George H. Fowler

William L. Curran
Commissioners