

ORIGINAL

Decision No. 68168

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Alameda,)
State of California, for an order)
authorizing construction of a)
separation structure to replace the)
existing Southern Pacific Company)
Crossing No. D-39.2B on Pleasanton-)
Sunol Road, Alameda County, Califor-)
nia, sometimes referred to as)
Hacienda Crossing.)

Application No. 43923
(Filed November 16, 1961)

Douglas R. Dunning, Assistant District Attorney,
for applicant.
Harold S. Lentz, for Southern Pacific Company, respondent.
M. E. Getchel, for the Commission staff.

O P I N I O N

The applicant County filed this application for permission to replace the Hacienda underpass near Pleasanton with a new structure designed to carry Southern Pacific's tracks over a much wider road span. Public hearing was held at Pleasanton before Examiner Power on September 16, 1964 and the matter was submitted.

The underpass now in existence is overly narrow and hence dangerous. County and Railroad are in agreement that the present underpass should be replaced.

The long delay has been occasioned by certain conversations between the Southern Pacific and Western Pacific Railroads. These concerned a possible joint track agreement affecting the Pleasanton area. The conversations envisioned that Western Pacific trackage would be used in the area which includes the Hacienda separation. Had these conversations been successful the Southern Pacific trackage would have been removed, automatically solving the problem.

Unfortunately the conversations have not been successful. A Southern Pacific witness testified that there is no foreseeable probability that such a joint track agreement will be reached and accordingly no foreseeable prospect that the Southern Pacific trackage will be abandoned.

All the other issues in the case were covered by a stipulation. The railroad stipulated that the separation could be replaced and costs apportioned by agreement. If agreement is not reached within one hundred eighty days, costs may be apportioned by the Commission after hearing. County stipulated that the order may require plans to be approved by the railroad.

The Commission finds that:

1. Public safety, convenience, and necessity require that the County of Alameda be authorized to construct a new structure to carry tracks of the Southern Pacific Company at separated grades over the Pleasanton-Sunol road at the approximate location set forth in the application which is in the immediate vicinity of separation No. D-39.2B.

2. There is no foreseeable probability that the Southern Pacific trackage at the point of this grade separation will be abandoned.

The Commission concludes that the application should be granted as provided by the following order.

O R D E R

IT IS ORDERED that:

1. The County of Alameda is authorized to construct the Pleasanton-Sunol Road at separated grades under the track of Southern Pacific Company, near Pleasanton, Alameda County, at the

location and substantially as shown by map (Exhibit A) attached to the application, to be identified as Crossing No. D-39.2-B.

2. Construction and maintenance expense shall be borne in accordance with an agreement entered into between the parties relative thereto, and copy of said agreement, together with plans of said crossing approved by Southern Pacific Company, shall be filed with the Commission within one hundred eighty days from the date hereof. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

3. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within three years, unless time be extended or if 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 2nd day of NOVEMBER, 1964.

Fredrick B. Hallock
President
George H. Traver
William M. Bennett
Commissioners