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ORIGINAL

Decision No. 68169

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Santa Clara, State of California, for an order authorizing construction of a grade separation crossing of the tracks of the Southern Pacific Company in connection with the construction of San Tomas Expressway in Santa Clara County.

Application No. 46261
(Filed March 4, 1964)

Gerald J. Thompson, for applicant.
Myron D. Hawk, for the City of Campbell, protestant.
Harold S. Lentz, for Southern Pacific Company, interested party.
William L. Oliver, for the Commission staff.

O P I N I O N

By this application the County of Santa Clara requests authorization to construct a grade separation to be known as San Tomas Expressway Overhead No. 2 over the tracks of Southern Pacific Company. This crossing will be identified on the company's records as L-51.7-A.

Public hearing was held on August 11, 1964 in San Jose at which time the matter was submitted on all issues except that of closing the Camden Avenue grade crossing. (See Decision No. 67800, dated September 3, 1964, in this proceeding.) The additional issue of whether Camden Avenue should be closed was then set for hearing on September 15, 1964, in San Jose. County bonds were voted in March 1961 upon the assumption that this overcrossing project would include the closing of only Sunnyoaks Avenue grade crossing. In Case.No. 7683 the County, in its request seeking

inclusion in the 1964 priority list of crossing requiring separation, stated that the only closure would be that of Sunnyoaks grade crossing L-51.8. Although Southern Pacific Company participated in the hearings held in this case, it did not then attempt to have the Commission define the project as conditioned upon the closing of Camden Avenue in addition to Sunnyoaks, as proposed by the County.

This would appear to have been inappropriate without approval of the City as the Camden Avenue grade crossing is not in County jurisdiction, but is located entirely within the city limits of Campbell. As a consequence, the Commission gave priority to the project as proposed by the County but without reference to closure of Camden Avenue. (Decision No. 66484 decided December 17, 1963.) This issue, therefore, was then decided by the Commission. However, since all of the parties, except the Commission staff, entered into a stipulation that this issue should be heard, the hearing on August 11, 1964 was continued until September 15, 1964, for hearing upon the issue of whether Camden Avenue should be closed.

This further hearing was held before Examiner Rowe in San Jose on September 15, 1964. All parties, including the City of Campbell, fully participated in the hearing and the matter was submitted for final decision.

According to the uncontradicted evidence the hazard of accidents at the grade crossing of Camden Avenue and the Southern Pacific Company tracks will be materially reduced rather than increased by reason of this grade separation. The expert witness for Southern Pacific Company testified that the volume of vehicular traffic over the Camden Avenue crossing will be reduced from approximately 10,000 per day to 1,000 per day. The representative of the City of Campbell testified that the closure of Camden Avenue would

create a serious cul-de-sac which would greatly inconvenience two large lumber companies, as well as a number of other businesses and residents along Camden Avenue south of the tracks.

The Commission finds that public necessity requires the continuance of Camden Avenue grade crossing. The closing of the crossing over the tracks of Southern Pacific Company would benefit only that company and would materially inconvenience the City of Campbell and inconvenience owners of residences and business establishments along Camden Avenue south of this grade crossing. Traffic volumes and the potential vehicle and train conflicts at the Camden crossing of the railroad will be greatly reduced by the San Tomas Expressway Overhead No. 2 above the Southern Pacific Company tracks.

Based upon these findings the Commission concludes that no changes should be made in the description of the project as defined by Decision No. 66484, and that the interim order in Decision No. 67800 in Application No. 46261, dated September 3, 1964, should be affirmed and made final without attaching any conditions thereto.

O R D E R

IT IS ORDERED that:

1. The request by Southern Pacific Company that the authorization granted by the order in Decision No. 67800 be conditioned upon the closing of Camden Avenue in addition to the Sunnyoaks grade crossing is denied.

2. The interim order in Decision No. 67800 is affirmed and made final.

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.

Frederick B. Hallock
President
George E. Hoover
William M. Bennett
Commissioners