

ORIGINALDecision No. 72727

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, }
 maintenance, use and protection or }
 closing of a crossing at grade of the }
 tracks of the Southern Pacific Company }
 at Mile Post 42.2 in the City of Santa }
 Clara, Crossing No. MP-42.2. }

Case No. 8210
 (Filed June 22, 1965)

Harold S. Lentz, for Southern Pacific Company;
Robert T. Owens, Deputy Counsel, for the
 County of Santa Clara; and Edward A. Panelli,
 for Reed and Graham, Inc., respondents.
D. J. Stock, for Santa Clara Transportation Company,
 interested party.
Elmer Sjostrom, Counsel, and M. E. Getchel, for
 the Commission staff.

O P I N I O N

Duly noticed public hearings were held before Examiner Power at Santa Clara on April 13 and June 13, 1966. Both hearings were very brief, and little evidence was received. The matter was not submitted in the normal manner.

Subject crossing is located at Mile Post 42.2 on the Elmhurst Santa Clara main line of the Southern Pacific Company. This crossing provides access to Santa Clara Sand and Gravel Company and Reed and Graham, Inc., Plant No. 3 from Lafayette Street (formerly the Santa Clara-Alviso Road). The crossing is in Santa Clara County. The plants above named are within the City of Santa Clara, as are the approaches on either side of the railroad's right-of-way. The crossing at MP-42.2 is quite similar to a crossing at MP-42.1, which had a history of four vehicular-train accidents during a seven-year exposure. The crossing at MP-42.1 was closed, and the staff for three years has been negotiating to close the crossing at MP-42.2. This crossing is dangerous because of the acute angles of

approach and because of adjacent parallel tracks on one side and a busy highway on the other side.

There was no opposition to the only feasible solution, herein adopted, to the problem of safety presented by subject crossing at Mile Post 42.2. The solution is to provide alternate access to the area concerned and to abolish subject crossing by physical closing. This is required because the crossing cannot be made entirely safe, even if automatic protection is provided. Further, the cost for such protection would be excessive in comparison to the selected solution. The track is very close to the edge of the pavement of adjacent and parallel Lafayette Street, and long trucks using subject crossing overhang the track at the rear while waiting to turn onto Lafayette Street.

The situation was complicated by the problem of providing an alternate access to the operating premises of several respondents; notably, Santa Clara Sand and Gravel Company, with its associated companies, and Reed and Graham, Inc., all of whom had necessarily used subject crossing.

Just across the tracks from Lafayette Street and parallel to the railroad is Charles Street, another public street. It presently does not quite reach the properties of Reed and Graham, Inc., and the Santa Clara Sand and Gravel group. The end of Charles Street is barricaded and thus vehicles cannot reach the plants of the companies above named.

The City of Santa Clara, however, has filed Application No. 49381 for authority to extend Charles Street over a spur track to provide access to the area involved, and the Commission has granted the authority by Decision No. 72570, dated June 9, 1967.

A short distance southeast of subject Crossing No. MP-42.2 is a public crossing, Norman Avenue, L-42.3, which connects with

Charles Street. This crossing (L-42.3) is protected by Standard No. 8 flashing light signals. Subject crossing at MP-42.2 has no protection except a Boulevard "Stop" sign on the Charles Street side.

The grades of approach to subject crossing are steep; 8 percent from the east and 7 percent from the west. Subject crossing has an average of 22 rail movements per day and 673 vehicular movements. A majority of the vehicular movements is by truck, including many ready-mix, dump, and hopper bottom varieties. The permitted speed for trains is 60 mph in each direction.

The Commission staff recommended that, if the crossing is left open, the grades of approach be substantially reduced and Standard No. 8 flashing light signals equipped with automatic gate arms and grade crossing predictor circuitry be installed. The installation recommended by the Staff was estimated to cost \$24,000. With alternate access to the area provided via Charles Street, the amount of inconvenience caused by closing the crossing at MP-42.2 does not justify such a large expenditure.

The Secretary of the Commission addressed a letter to all parties on May 23, 1967, notifying them that, unless a request for further hearing was received from one or more of the parties within ten days, the matter would be decided without further hearing. This letter stated also that Staff Exhibit No. 1, part of which was admitted at the first hearing, would be received in evidence. No request for further hearing was made.

The Commission finds that:

1. When Charles Street in the City of Santa Clara is extended north, the Santa Clara Sand and Gravel Company, its affiliates, and Reed and Graham, Inc., will have reasonable and convenient access to the public road system. The City of Santa Clara has filed Application No. 49381 for the northerly extension of Charles Street

over a spur track, and the Commission has granted such authority by Decision No. 72570.

2. The measure of inconvenience to present users which might result from closing subject crossing at MP-42.2 does not justify the substantial expenditure which would be necessary to adequately protect subject crossing.

3. Public convenience and necessity no longer require the maintenance of a crossing at Mile Post 42.2.

4. Public health and safety require that Crossing MP-42.2 be closed.

The Commission concludes that this crossing should be closed as quickly as possible after construction of the northerly extension of Charles Street by the City of Santa Clara.

O R D E R

IT IS ORDERED that:

1. Staff Exhibit No. 1 is admitted in evidence as to all portions.

2. Contemporaneously with the completion of and the opening of the northerly extension of Charles Street, pursuant to the authority granted by Decision No. 72570, dated June 9, 1967, the crossing at Mile Post 42.2 shall be closed by respondent Southern Pacific Company to public use and travel.

3. The closing of the crossing, required in ordering paragraph 2 above, shall be accomplished not later than thirty days after completion of the northerly extension of Charles Street over a spur track as authorized by Decision No. 72570.

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4. Case No. 8210 will be discontinued after the Staff reports that compliance has been had with this order.

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

Dated at San Francisco, California, this 17th day of JULY 1967.

[Signature]
President

[Signature]

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Commissioners