

ORIGINALDecision No. 73802

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the status, safety,
maintenance, use, and protection or
closing of the crossing at grade of
the Coast Line of Southern Pacific
Company at Mile Post 59.4 within
the city limits of the City of San
Jose, in the County of Santa Clara.

Case No. 8652

O P I N I O N

This is an investigation on the Commission's own motion to determine the status of a grade crossing and whether it should be closed.

Service of the Commission's order was made on Southern Pacific Company, City of San Jose, County of Santa Clara, State Department of Public Works, IBM Corporation and Albert and Anna Christopher. A prehearing conference was held in this matter before Examiner Jarvis in San Francisco on October 9, 1967. Counsel representing the following parties were present at the prehearing conference: Southern Pacific Company, City of San Jose, State Department of Public Works, IBM Corporation, Pacific Gas and Electric Company and the Commission staff. On October 13, 1967, Examiner Jarvis entered a Memorandum of Prehearing Conference which is part of the record herein. Only its pertinent details need be repeated.

The crossing here under consideration is one at grade of the Coast Line of Southern Pacific Company at Mile Post 59.4 within the city limits of San Jose. None of the parties contests the Commission's jurisdiction to enter an appropriate order herein

pursuant to Section 1202 of the Public Utilities Code. It was stipulated among the parties that the property in the vicinity of the crossing formerly owned by Albert and Anna Christopher is now owned by IBM. All the parties agreed that the crossing is hazardous and that if it is not closed crossing protection would be required. PG&E and the city of San Jose reserved the right to object to the closing of the crossing while the remaining parties agreed that it should be closed. The reservation indicated by PG&E and San Jose was prompted by the fact that PG&E is constructing a substation approximately 1,000 feet from the crossing, and at the time of the prehearing conference the road over the crossing was the only means of ingress and egress to the substation. PG&E and San Jose indicated that if an alternate access route to the substation could be acquired they would have no objection to closing the crossing. Since it appeared likely that alternate access would be acquired, Examiner Jarvis did not calendar the matter, but gave the parties a period of time in which to advise the Commission of such a development. On December 21, 1967, PG&E advised the Commission that it had reached an agreement with IBM for alternate access to the substation, that it withdrew its opposition to closing the crossing and that the matter could proceed ex parte. On January 8, 1968, IBM advised the Commission that it had agreed to make access to the substation over its property available to PG&E and joined in the request for ex parte disposition of this matter.

The Commission makes the following findings and conclusions:

Findings of Fact

1. A public hearing is not necessary in this matter.

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2. The crossing at grade of the Coast Line of Southern Pacific Company at Mile Post 59.4 within the city limits of the City of San Jose is a public or publicly used road within the meaning of Section 1202 of the Public Utilities Code.

3. Said crossing is hazardous and unsafe.

Conclusions of Law

1. The crossing at grade of the Coast Line of Southern Pacific Company at Mile Post 59.4 within the city limits of the City of San Jose should be abolished by physically closing it.

2. Southern Pacific Company should cause the closing of said crossing and bear all costs in connection therewith.

O R D E R

IT IS ORDERED that:

1. Within thirty days after the effective date of this order Southern Pacific Company shall cause the crossing at grade of its Coast Line at Mile Post 59.4 within the city limits of the City of San Jose to be abolished by physically closing and barricading the crossing.

