

Decision No. 81773

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the year 1973 of existing and proposed crossings at grade of city streets or county roads most urgently in need of separation, or projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, or existing separations in need of alteration or reconstruction as contemplated by Section 189 of the Streets and Highways Code.

Case No. 9423  
(Order Granting Rehearing  
dated April 24, 1973)

Application of the CITY OF MOUNTAIN VIEW for an order authorizing the construction and apportioning the cost of modifications to the existing San Antonio Avenue Overhead grade separation spanning the tracks of the Southern Pacific Transportation Company.

Application No. 53717  
(Filed November 29, 1972)

Michael R. Nave, Attorney at Law, for the City of Mountain View, applicant in Application No. 53717 and respondent in Case No. 9423.

Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Company, protestant in Application No. 53717 and respondent in Case No. 9423.

Melvin R. Dykman, Attorney at Law, for the State of California, Department of Public Works, interested party in Application No. 53717 and Case No. 9423.

Edward Cole and Edward Thurban, for the Commission staff.

# O P I N I O N

By Decision No. 80874 dated December 19, 1972 in Case No. 9423, the Commission established a grade separation priority list for the year 1973 and in addition thereto granted a motion by the Department of Public Works dismissing the nomination of the San Antonio Road grade separation located in the city of Mountain View on the ground that the proposed alterations related to an off ramp was

primarily designed to facilitate the movement of traffic along city streets and therefore did not qualify under the provisions of Sections 189 and 190<sup>1/</sup> of the Streets and Highways Code. By

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1/ "189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of existing and proposed crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, of projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, and of existing grade separations in need of alteration or reconstruction in the order of priority which, in the judgment of the commission, justifies the elimination of the crossing at grade by the erection or construction of separation structures, or by removal or relocation of streets or railroad tracks, or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such existing and proposed crossings, and existing separations, which, in its judgment, are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

"The priority list shall terminate on the last day of the year for which it is established."

"190. In each annual budget report prepared by the Commission and the department under Section 143.1, commencing with the 1972-1973 fiscal year, the sum of ten million dollars (\$10,000,000) shall be set aside for allocations to grade separation projects, including the elimination of existing or proposed grade crossings, the elimination of grade crossings by removal or relocation of streets or railroad tracks, and the alteration or reconstruction of existing grade separations, of separations of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. . . ."

Decision No. 81310 dated April 24, 1973, the Commission acting upon the petition of the city of Mountain View granted rehearing of Decision No. 80874 for the purpose of receiving additional evidence relative to the nomination of the alteration of the San Antonio Road grade separation for inclusion in the priority list for the year 1973.

Rehearing of Decision No. 81310 was consolidated with Application No. 53717, which was filed by the city of Mountain View on November 29, 1972 and requests an order authorizing construction and apportionment of the cost of modifications to the existing San Antonio Road grade separation. Public hearing was held before Examiner Daly on May 16 and 17, 1973 and on June 25 and 26, 1973, with the matter being submitted on the latter date.

The existing San Antonio Road grade separation, which spans the tracks of the Southern Pacific Transportation Company (SP), was on the priority list for 1960 in Case No. 6344 and was financed with contributions from the SP, the county of Santa Clara, the cities of Palo Alto, Los Altos, and Mountain View, and from allocations from the California Highway Commission under Section 190 of the Streets and Highways Code.

Mountain View has a traffic congestion problem at the intersection of San Antonio Road and California Street, which is located approximately 1,100 feet from the grade separation. The intersection is controlled by signals and the problem arises when left-turning vehicles moving from San Antonio Road to California Street during the peak periods cause traffic to overflow the 100-foot left-turn storage pocket and back up to the bridge portion of the grade separation. As part of an extensive land use and transportation study (Exhibit 10) the city proposes to eliminate the left-turn problem at California Street by modifying an existing J ramp to the grade separation so that it will loop under the separation, parallel the SP tracks on the south side and divert traffic along Showers Drive, one block east of San Antonio Road.

The proposed J loop would also provide access to the Old Mill Specialty Center, a proposed development of 25 acres, and to the San Antonio Shopping Center, an existing commercial development of approximately 500,000 square feet of floor space, which will soon be increased to 800,000 square feet of floor space. Although the present number of vehicles turning left on California Street during the noon peak hour period is approximately 482, a traffic engineer appearing on behalf of the city testified that because of a continuing change in the area from rural to commercial and residential, that when completed, approximately 965 vehicles would use the proposed J loop during a comparable period of time. According to the witness approximately 270 vehicles would be destined to the Old Mill Specialty Center and the San Antonio Shopping Center. The remaining 695 vehicles would be destined to points south of California Street and east of Showers Drive.

A representative from the Department of Public Works testified that if the nomination is approved and placed upon the priority list, the department would recommend to the California Highway Commission that no money be allocated from the fund for the project. The department takes the position that since there is no intention to alter or reconstruct the bridge portion of the separation, the project is not entitled to any funds pursuant to Sections 189 and 190 of the Streets and Highways Code. It considers the proposed J loop as an ingenious attempt to obtain state and railroad funds to correct a local traffic problem. SP also views the project as an attempt to correct a local problem that in no way is attributable to the presence of the railroad. It argues that the approval of the nomination would establish a precedent justifying the contribution of funds from the railroad for the purpose of correcting city traffic problems located miles away from the railroad.

A traffic engineer appearing on behalf of the city testified that although the bridge structure is not being modified, construction of the J loop would eliminate traffic congestion and thereby

increase the capacity of the bridge to accommodate more vehicles. He defined capacity as the maximum number of vehicles passing over a lane or road during a specified period of time. The engineer appearing in behalf of the Department of Public Works testified that the problem is not related to the capacity of the separation, which according to the city's Exhibit 20 is presently capable of handling 44,000 vehicles a day, but to the restriction of traffic flow at California Street, one quarter of a mile from the separation.

After consideration the Commission finds that:

1. The city of Mountain View has a left-turn traffic congestion problem at the intersection of San Antonio Road and California Street, situated one quarter of a mile south of the existing San Antonio Road grade separation which spans the tracks of the Southern Pacific Transportation Company.

2. To eliminate the left-turn problem, the city of Mountain View proposes to construct a J loop on the south end of the separation, which will provide access to adjacent shopping centers and will also divert traffic to Showers Drive.

3. The traffic problem is not directly attributable to the presence of the railroad and the railroad should not be required to pay any portion of correcting the problem.

4. The bridge portion of the existing San Antonio Road grade separation is not to be modified by the city's J loop proposal.

The Commission concludes that the nomination cannot qualify for an allocation of state funds pursuant to Section 190 of the Streets and Highways Code, which requires that the railroad, either by agreement or by order of this Commission, pay 10 percent of the cost of the alteration or reconstruction project.

The Commission concludes that an order authorizing the modification of San Antonio Road grade separation is not required and the costs should not be apportioned by the Commission.

O R D E R

IT IS ORDERED that:

1. The petition of the city of Mountain View to modify Decision No. 80874 is denied.

2. Application No. 53717 is dismissed.

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

Dated at San Francisco, California, this 21<sup>st</sup> day of AUGUST, 1973.

Vernon L. Sturgeon  
President  
William J. Quinn  
William J. Quinn  
William J. Quinn  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.