

ORIGINAL

Decision No. 92478 DEC 2 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety,  
 maintenance, operation, use and  
 protection or closing of the  
 publicly used crossing at grade of  
 Blanchard Road with the Coast Route  
 Main Line tracks of the Southern  
 Pacific Transportation Company,  
 approximately at milepost 63, in the  
 City of San Jose, County of  
 Santa Clara.

Case No. 9286  
 (Filed November 2, 1971;  
 amended June 7, 1972)

(For appearances see D.82933.)

ORDER OF DISMISSAL

This proceeding is an investigation into the safety, maintenance, operation, use, and protection or closing of the private crossing at grade of Blanchard Road with the Coast Route Main Line tracks of the Southern Pacific Transportation Company (SP), approximately at milepost 63, in the city of San Jose, county of Santa Clara.

On May 29, 1974, we issued Decision No. 82933 in this matter. The key ordering paragraphs of that decision were stayed pending review by the California Supreme Court. That court annulled the order (Southern Pacific Transportation Company v Public Utilities Commission (1976) 18 C 3d 308). Decision No. 82933 has never been implemented.

On July 17, 1980 the Commission staff filed a Request for Dismissal and an Affidavit of William R. Schulte, which were served

on parties of record. No response to the Request for Dismissal has been received.

William R. Schulte, a senior transportation engineer employed by the Commission, stated in his affidavit that he visited the site of the crossing on June 19, 1980, that the safety conditions at the crossing had substantially improved since the issuance of Decision No. 82933, and, in his opinion, public safety, welfare, convenience, and necessity permit the crossing to remain open in its present condition and without further improvements or additional safety measures or devices.

After consideration, the Commission finds that the conditions that resulted in the Commission's ordering the investigation and issuing Decision No. 82933 have been ameliorated, and concludes that the investigation ordered in Case No. 9286 is no longer necessary and that the case should be dismissed.

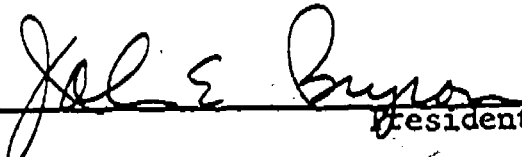
Therefore, IT IS ORDERED that Case No. 9286 is hereby dismissed.

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

Dated DEC 2 - 1980, at San Francisco, California.

Commissioner Vernon L. Sturgoon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

  
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President

  
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Commissioners