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Decision No. 80140

ORIGINAL

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 Trans-
portation Company, approximately at mile-
post 63, in the City of San Jose, County
of Santa Clara.

Case No. 9286

AMENDED ORDER INSTITUTING INVESTIGATION

It appearing at the hearing on the above-entitled matter, that certain additional parties may be affected by the investigation of the above-named crossing at grade of the Coast Route Main Line railroad tracks of the Southern Pacific Transportation Company with Blanchard Road, a publicly used road or highway in the City of San Jose, County of Santa Clara, located approximately at milepost 63, and are therefore necessary and indispensable parties hereto,

IT IS HEREBY ORDERED that Alwilda M. Lasich, 1534 Arbutus Drive, San Jose, California; Oscar A. Ober and Lucille Domrose, c/o W. R. Christy, P.O. Box 177, Santa Clara, California, 95052; E. S. and Maxine Rosenfeld, 19456 Shenango Drive, Tarzana, California, 91356; Marie A. Passantino, 437 Hull Avenue, San Jose, California, and the California Department of Public Works are hereby made respondents herein.

Further hearings in the above investigation shall be held before Examiner Donald B. Jarvis at such time and place as may

hereafter be designated and all parties thereto shall be notified at least ten (10) days before such hearing.

The Secretary is directed to cause to be served upon all respondents herein named, and all respondents named in the original order, a certified copy of this order with the original Order Instituting Investigation attached hereto as Appendix A.

Dated San Francisco, California, this 7th day of JUNE, 1972.

[Signature]
Chairman
William Synovae
[Signature]
James L. Stinger
[Signature]
Commissioners

Appendix A

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 Trans-
portation Company, approximately at mile-
post 63, in the City of San Jose, County
of Santa Clara.

Case No. 9286

ORDER INSTITUTING INVESTIGATION

It appearing that there is a crossing at grade of the Coast Route Main Line railroad tracks of Southern Pacific Transportation Company (SP) with Blanchard Road, a publicly used road or highway in the City of San Jose, County of Santa Clara, located approximately at milepost 63; and,

It further appearing that said crossing may be dangerous and hazardous to the health, safety, and welfare of the public, and that the public safety, convenience and necessity may require the installation of additional protective signs or devices, or the relocation and reconstruction thereof, or may require the physical closing or the closing thereof to public use; and,

It further appearing that SP, the City of San Jose, the County of Santa Clara, and affected property owners, Lorie A. Lasich, 1534 Arbutus Dr., San Jose, California; Carmen Patane, Route 2, Box 84, Gilroy, California; Donald J. Passantino, P. O. Box 611, Coyote, California 95013; and Frank Passantino, 437 Hull Avenue, San Jose, California, are necessary and indispensable parties hereto, and should be named respondents herein; therefore,

IT IS HEREBY ORDERED that an investigation on the Commission's own motion is hereby instituted into the safety, maintenance, operation, use, and protection of the crossing hereinabove described for the purpose of determining:

Appendix A

1. Whether public health and safety require either the reconstruction, relocation, alteration of said crossing, the installation of additional protective devices, the alteration of existing protective devices or any combination of the above, pursuant to Section 1202 of the Public Utilities Code.

2. Whether public health and safety may require the physical closing of said crossing or closing of use thereof by the public pursuant to Section 1202 of the Public Utilities Code.

3. The terms upon which any such reconstruction, relocation, alteration, abolition, or installation shall be accomplished, including apportionment of costs among all respondents, or any of them, as appears just and reasonable, pursuant to Section 1202 of the Public Utilities Code.

4. The terms upon which any costs of maintenance shall be apportioned pursuant to Section 1202.2 of the Public Utilities Code.

5. Whether any other order or orders shall be issued by the Commission in the lawful exercise of its jurisdiction.

IT IS FURTHER ORDERED that Southern Pacific Transportation Company (SP), City of San Jose, County of Santa Clara, Lorie A. Lasich, Carmen Patane, Donald J. Passantino, and Frank Passantino are hereby made respondents herein.

Public hearing in the above investigation shall be held before Examiner Donald B. Jarvis at such time and place as may hereafter be designated, and all parties hereto shall be notified at least ten (10) days before such hearing.

Appendix A

The Secretary is directed to cause a certified copy of this order to be served on the Respondents Southern Pacific Transportation Company, City of San Jose, County of Santa Clara, Lorie A. Lasich, Carmen Patane, Donald J. Passantino and Frank Passantino.

Dated at San Francisco, California, this 2nd day of November, 1971.

J. P. VUKASIN, JR.

Chairman

WILLIAM SYMONS, JR.

THOMAS MORAN

VERNON L. STURGEON

D. W. HOLMES

Commissioners