

FBC

ORIGINAL

Decision No. 81741

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of San Jose,)
a municipal corporation of the State)
of California, for permission to)
widen an existing grade separation)
structure under the Southern Pacific)
Company's railroad tracks at Julian)
Street, in the County of Santa Clara,)
State of California, PUC Crossing)
No. E-46.6-B)

Application No. 54146
(Filed July 3, 1973)

O P I N I O N

The City of San Jose requests authority to reconstruct a crossing at separated grades of Julian Street under the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on July 5, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The City of San Jose should be authorized to reconstruct Julian Street at separated grades under Southern Pacific Transportation Company tracks in San Jose, Santa Clara County, at the location described in the application identified as Crossing E-46.6-B.

The priority list of grade separation projects for the year 1973 as set forth in Decision 80874 shows this project as Priority Number 24.

Construction and maintenance expense should be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of said agreement together with plans of said crossing approved by Southern Pacific Transportation Company should be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will

apportion the cost of construction and maintenance by further order.

Clearances should be in accordance with General Order 26-D. Walkway areas adjacent to the railroad tracks should be maintained free of obstructions and should promptly be restored to their original condition in the event of damage during construction.

The applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and has prepared an Environmental Impact Report which was adopted by the City Council on August 6, 1973 and which has been considered by the Commission in rendering its decision on this project.

The Commission adopts applicant's Environmental Impact Report and finds that:

- (a) The environmental impact of the proposed action is insignificant.
- (b) The planned construction is the most feasible and economical that will avoid any possible environmental impact.
- (c) There are no known irreversible environmental changes involved in this project.

O R D E R

IT IS ORDERED that:

1. The application is granted conditioned on the findings and conclusions set forth above.
2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if the project is not completed within three years or if the above conditions are not complied with. The time may be extended, or the authorization may be revoked or modified, if public convenience, necessity or safety so require..

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3. The Secretary of the Commission shall file a Notice of Determination with the Secretary for Resources and with the planning agencies of any city and county which will be affected by the project.

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

Dated at San Francisco, California, this 14th
day of AUGUST, 1973.

Vernon L. Styrger
President

[Signature]

[Signature]

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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