

ORIGINAL

Decision No. 82656

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Clara)
State of California, for an order authorizing)
the construction of a highway overpass at)
Tasman Drive Crossing (approximate mile post) Application No. 54633
40.72) and the Southern Pacific Transporta-) (Filed February 6, 1974)
tion Company, Elmhurst to Santa Clara Line.)

O P I N I O N

The City of Santa Clara requests authority to construct a crossing at separated grades of Tasman Drive over the tracks of the Southern Pacific Transportation Company. Notice of the application was published in the Commission's Daily Calendar on February 7, 1974. No protests have been received. A public hearing is not necessary.

FINDINGS

The request is in the public interest and should be granted.

Applicant should be authorized to construct Tasman Drive at separated grades over the Southern Pacific Transportation Company tracks in Santa Clara, Santa Clara County, at the location described in the application to be identified as Crossing No. L-40.7-A.

Construction and maintenance expense should be borne in accordance with an agreement to be entered into between the parties relative thereto. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.

The priority list of grade separation projects for the year 1974 as set forth in Decision No. 82267 shows the project as Priority Number 26.

The City of Santa Clara is the lead agency for this project pursuant to the Environmental Quality Act of 1970, as amended. This project was included as part of the city's Bayshore North Redevelopment Plan Environmental Impact Report. Pursuant to the guidelines for implementation of the Act, a draft Environmental Impact Report was prepared and circulated on October 29, 1973. The final Environmental Impact Report was adopted by the Santa Clara City Council on December 28, 1973. The Commission has considered the final EIR in rendering its decision on this project and finds that the planned construction is the most feasible and economical that will avoid any possible environmental impact.

CONCLUSIONS

The application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The City of Santa Clara is authorized to construct Tasman Drive over tracks of the Southern Pacific Transportation Company in Santa Clara, County of Santa Clara, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. L-40.7-A.
2. Construction and maintenance expense shall 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 shall be filed with the Commission prior to commencing construction.

3. Clearances shall be in accordance with General Order No. 26-D. Walkway areas adjacent to the railroad tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

4. 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.

5. 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 26th
day of MARCH, 1974.

Vermon L. Stevenson
President

William J. Brown

[Signature]

[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.