

Decision No. 84388**ORIGINAL**

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 )  
 construct an at grade crossing over )  
 the Western Pacific Railroad Company's )  
 railroad tracks at Trimble Road, in )  
 the County of Santa Clara, State of )  
 California. )

Application No. 55564  
 (Filed March 13, 1975)

O P I N I O N

The City of San Jose requests authority to construct Trimble Road at grade across the tracks of the San Jose Branch of The Western Pacific Railroad Company to provide improved access to the International Business Park.

The City of San Jose is the lead agency for the project to construct the International Business Park, pursuant to the California Environmental Quality Act of 1970, as amended, and on February 7, 1975, the San Jose Planning Commission approved an Environmental Impact Report which finds that the project does have a significant effect upon the environment.

The applicant proposes that the Trimble Road crossing be protected by two Standard No. 9 signals (General Order No. 75-C). Applicant states that a separation of grades is not economically feasible or justified at this time.

Notice of the application was published in the Commission's Daily Calendar on March 17, 1975. No protests have been received. A public hearing is not necessary.

### F I N D I N G S

After consideration the Commission finds:

1. The City of San Jose should be authorized to construct Trimble Road at grade across the tracks of the San Jose Branch of The Western Pacific Railroad Company in the City of San Jose, County of Santa Clara, at the location and substantially as shown by plans attached to the application.

2. Dimensions, configurations, clearances and walkways should be substantially in accordance with the plan set forth in the application and comply with applicable rules and general orders of the Commission.

3. Cost of the crossing and installation of automatic protection should be borne by the applicant.

4. Maintenance cost of the crossing should conform to General Order No. 72-B and maintenance cost of automatic protection should be borne by the applicant.

5. The Commission has considered the City of San Jose's Environmental Impact Report in rendering its decision on this project and finds that the benefits of the project involved in this proceeding outweigh any adverse environmental effects and that it should be approved in view of the public benefits derived.

### C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that 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 San Jose is authorized to construct Trimble Road at grade across the tracks of The Western Pacific Railroad

Company in the City of San Jose, County of Santa Clara, at the location and substantially as shown by plans attached to the application, to be identified as Crossing No. 4G-12.9.

2. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B).

3. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

4. Protection at the crossing shall be two Standard No. 9 signals (General Order No. 75-C).

5. Construction expense of the crossing and installation cost of automatic protection shall be borne by the applicant.

6. Maintenance cost of the crossing shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be borne by the applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

7. Construction plans of the crossing approved by The Western Pacific Railroad Company, together with a copy of the agreement entered into between the parties involved, shall be filed with the Commission prior to commencing construction.

8. Upon completion of the new Trimble Road grade crossing at Milepost 12.9, the existing Trimble Road grade crossing, Crossing No. 4G-12.7, shall be abandoned and physically closed.

9. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended or if conditions are not complied with. This authorization may be revoked or modified if public convenience, necessity or safety so require.

A. 55564 - CSE

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

Dated at San Francisco, California, this 29th  
day of APRIL, 1975.

Vernon L. Lefkowitz  
President  
William J. Harrison  
Donald J. ...  
Leonard ...  
James ...  
Commissioners