

Decision No. 85282**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
SOUTHERN PACIFIC TRANSPORTATION COMPANY
for an order authorizing the construction
at grade of an industrial spur track in,
upon, along or across Junction Avenue in
the City of San Jose, County of Santa
Clara, State of California.

} Application No. 55924
 } (Filed September 10, 1975)
 } (Amended November 6, 1975)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across Junction Avenue in the City of San Jose, Santa Clara County. The proposed spur track will provide service to a new warehouse which is being constructed within an existing industrial area.

An existing industrial drill track, from which the proposed spur track will diverge, presently crosses Junction Avenue approximately 70 feet northwest of the proposed track. In consideration of the close proximity of the two tracks, applicant has suggested that they be considered as a single crossing, Crossing No. DA-47.07-C.

By letter of October 13, 1975, Van Waters and Rogers, the industry to be served, advised that it requires rail service to its new warehouse at the earliest possible date.

Notice of application was published in the Commission's Daily Calendar on September 12, 1975. Notice of the amendment to the application was published in said calendar on November 7, 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. Applicant should be authorized to construct an industrial spur track at grade across Junction Avenue in the City of San Jose, Santa Clara County, at the location and substantially as shown by the plan attached to the application.

2. The proposed spur track and the existing drill track across Junction Avenue should be considered as a single crossing, Crossing No. DA-47.07-C.

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

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

5. Maintenance of the crossing should be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection should be borne by the applicant.

6. It can be seen with reasonable certainty that this project will not have a significant effect on the environment.

7. The industry to be served has need for rail service at the earliest possible date and, therefore, the usual 20-day waiting period should be waived.

8. Since the industry to be served requires rail service at the earliest possible date, interim protection by two Standard No. 1-R crossing signs (General Order No. 75-C) should be authorized.

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 Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across Junction Avenue in the City of San Jose, Santa Clara County, at the location and substantially as shown by the plan attached to the application to be identified as a portion of Crossing No. DA-47.07-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 (General Order No. 72-B).

3. Protection at the new industrial spur track shall be two Standard No. 8-A signals (General Order No. 75-C).

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

5. Construction expense of the new industrial spur track crossing and installation of its automatic protection shall be borne by the applicant.

6. Maintenance 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.

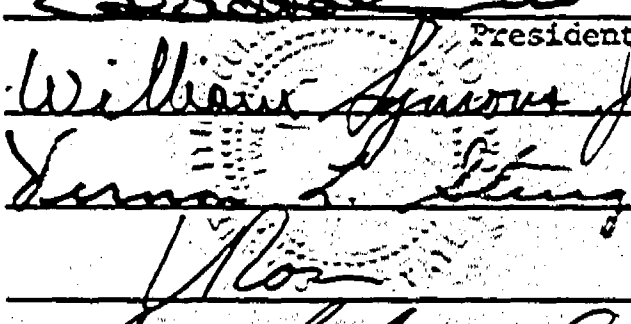

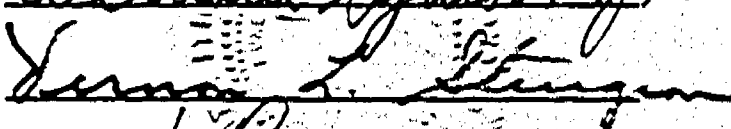


7. For a period not to exceed one year from the date of this order, protection at the new industrial spur track crossing may be two Standard No. 1-R signs (General Order No. 75-C) and no on-rail vehicle shall be operated over said crossing unless it shall first be brought to a stop and traffic on the street protected by a member of the crew or other competent employee of the railroad acting as a flagman. Written instructions shall be issued by the railroad to trainmen, operating over said crossing, to comply with said flagging instructions. A copy of said instructions shall be filed with the Commission within thirty days after installation of said crossing. Flagging procedures outlined herein shall remain in full force until the automatic protection required herein is installed.

8. 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 the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30th
day of DECEMBER, 1975.


 President
William J. Harrison


 Commissioners