

ORIGINAL

Decision No. 85529

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 Southern Pacific Transportation)
 Company's railroad tracks at Borello)
 Drive, in the City of San Jose,)
 County of Santa Clara, State of)
 California.)

Application No. 56040
 (Filed October 31, 1975)

O P I N I O N

As part of the rezoning project to develop the area 180 feet north of Hamilton Avenue and east of Highway 17 for residential use, the City of San Jose requests authority to construct Borello Drive at grade across the tracks of the Southern Pacific Transportation Company in the City of San Jose, Santa Clara County.

The City of San Jose is the lead agency for the rezoning project, pursuant to the Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the City Council of the City of San Jose approved the rezoning project and on December 24, 1975, filed a Notice of Determination with the Santa Clara County Clerk which found that "The project will not have a significant effect on the environment."

The housing developer, Dura Style Homes, advised that it requires access through Borello Drive to its housing development at the earliest possible date.

Notice of the application was published in the Commission's Daily Calendar on November 4, 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

Borello Drive at grade across the tracks of the Southern Pacific Transportation Company in the City of San Jose, Santa Clara County, 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 plans attached to the application and comply with applicable rules and general orders of the Commission.

3. Construction expense of the crossing, relocation cost of the existing automatic protection and installation cost of the new automatic protection may be borne in accordance with an agreement entered into between the parties involved.

4. The existing Standard No. 9-A signal located on the curb side of Bascom Avenue and serving southbound traffic should be relocated to a new traffic island.

5. Maintenance of the crossing should conform to General Order 72-B. Maintenance costs of the new automatic protection should be shared equally between the parties involved.

6. The Commission has considered applicant's Negative Declaration and Notice of Determination and finds with reasonable certainty that this project will not have a significant effect on the environment.

7. The housing development to be served by Borello Drive has need for access through Borello Drive at the earliest possible date; therefore, the usual 20-day waiting period should be waived.

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 Borello Drive at grade across the tracks of the Southern Pacific Transportation

Company in the City of San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing L-49.7.

2. Construction of the crossing shall be equal or superior to Standard No. 4 (General Order 72-B).

3. Protection at the widened crossing shall be the two existing Standard No. 9 and one Standard No. 9-A signals (General Order 75-C) and the relocated Standard No. 9-A signal all on Bascom Avenue and the new Standard No. 9-A signal to serve Eorello Drive.

4. The existing Standard No. 9-A signal serving southbound traffic on Bascom Avenue, on the curb side of Crossing L-49.7, shall be relocated to a new traffic island.

5. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 113.

6. Construction costs of the crossing, relocation of the existing automatic protection serving southbound traffic on Bascom Avenue, and the installation of the new automatic protection may be borne in accordance with an agreement entered into between the parties involved.

7. Maintenance of the crossing shall be in accordance with General Order 72-B. Maintenance cost of the new automatic protection shall be shared equally between the parties pursuant to the provisions of Section 1202.2 of the Public Utilities Code.


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

9. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if the above conditions are not complied with or if not exercised within two years unless time be extended. 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 2nd
day of MARCH, 1976.



President
William J. Seymour
Vernon L. Sturgeon
W. H. H. H.
Robert H. H. H.

Commissioners