

Decision No. 86018**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 Southern Pacific Transportation)
 Company's railroad tracks at Zanker)
 Road in the County of Santa Clara,)
 State of California.)

Application No. 56277
 (Filed February 13, 1976)

O P I N I O N

As part of an improvement district between State Highway 17 and North First Street, the City of San Jose requests authority to construct Zanker Road, 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 this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of an Environmental Impact Report, the San Jose Planning Commission approved the improvement district and on April 29, 1974 filed a Notice of Determination with the Santa Clara County Clerk which found that "The project will have a significant effect on the environment."

Notice of the application was published in the Commission's Calendar on February 17, 1976. 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 Zanker Road, at grade, across the Southern Pacific Transportation Company's drill track 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 Crossing DA-47.27-C.

2. Dimensions and configurations should be substantially in accordance with the plan set forth in the application.

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.

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

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

6. Maintenance of the crossing should conform to General Order 72-B. Maintenance cost of the automatic protection should 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 Southern Pacific Transportation Company, together with a copy of the agreement entered into between the parties involved, should be filed with the Commission prior to commencing construction.

8. The Commission has considered applicant's final Environmental Impact Report and Notice of Determination and finds that the benefits of the project involved in this proceeding outweigh any adverse effects and that it should be approved in view of the public benefits to be 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 Zanker Road at grade across the Southern Pacific Transportation Company's drill track in San Jose, Santa Clara County, as set forth in the findings

of this decision.

2. 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 29th
day of JUNE, 1976.

President

William J. Quinn
Vernon L. Stetgen

Don
Robert Rahn

Commissioners

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