

Decision No. 86433**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Santa Clara)
 a municipal corporation of the State of)
 California for permission to accept)
 dedication of a private crossing over)
 the Southern Pacific Transportation)
 Company railroad tracks at Yerba Buena)
 Way, in the City of Santa Clara, County)
 of Santa Clara, State of California, to)
 public use, and to accept installation)
 of two Standard No 9 signals and cross-)
 ing to be constructed to #3 standards)
 of general order 72b as a condition of)
 said conversion.)

Application No. 56535
 (Filed June 3, 1976)

O P I N I O N

The City of Santa Clara requests authority to accept dedication of a private crossing of Yerba Buena Way at grade across the tracks of the Southern Pacific Transportation Company in the City of Santa Clara, Santa Clara County.

The City of Santa Clara is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on June 30, 1976 filed a Notice of Exemption with the Santa Clara County Clerk which stated that the project was categorically exempt from the requirements of CEQA under Sections 15101(c) and (f) of the California Administrative Code, Title 14 (Natural Resources), Division 6. Reasons why the project is exempt were stated as: "There will be no physical change to the roadway or crossing and only the installation of safety equipment."

Notice of the application was published in the Commission's Calendar on June 9, 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 make public the private crossing of Yerba Buena Way at grade across the tracks of the Southern Pacific Transportation Company's Elmhurst-Santa Clara

Main Line in the City of Santa Clara, Santa Clara County, to be identified as Yerba Buena Way, Crossing L-39.95.

2. Construction of the crossing should be equal or superior to Standard No. 3 of General Order 72-B.

3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 113.

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

5. Construction expense of the crossing and installation cost of the 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. It can be seen with certainty that there is no possibility that the activity in question can have a significant effect on the environment.

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 Santa Clara is authorized to make public the private crossing of Yerba Buena Way at grade across the Southern Pacific Transportation Company's Elmhurst-Santa Clara Main Line in the City of Santa Clara, Santa Clara County, as set forth in the findings of this decision.


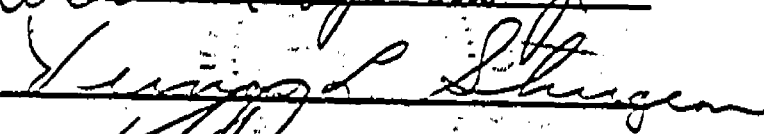
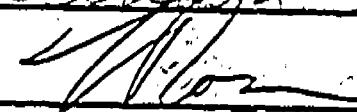
2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

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 28th
day of SEPTEMBER, 1976.


President
William S. Gueary, Jr.


Robert Bateman
Commissioners