

Decision No. 86481**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 at-grade crossings over ) Application No. 56512  
 the Southern Pacific Transportation ) (Filed May 28, 1976)  
 Company's railroad tracks at Ringwood )  
 Avenue, Concourse Drive, Fortune )  
 Drive, Lundy Avenue and Trade Drive, )  
 in the County of Santa Clara, State )  
 of California. )

**O P I N I O N**

As part of the project for development of the International Business Park, the City of San Jose requests authority to construct Ringwood Avenue, Concourse Drive, Fortune Drive, Lundy Avenue, and Trade 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 project to construct the International Business Park 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 project and on July 25, 1975 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 Daily Calendar on June 1, 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 Ringwood Avenue (Crossing DA-43.06-C), Concourse Drive (Crossing DA-43.24-C), Fortune Drive (Crossing DA-43.52-C), Lundy Avenue (Crossing DA-43.44-C) and Trade Drive (Crossing DA-43.57-C), at grade, across the Southern Pacific Transportation Company's tracks in the

City of San Jose, Santa Clara County, at the location and substantially as shown by the plans attached to the application.

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

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

4. Protection at the crossings should be:

<u>Crossing Number</u>	<u>Location</u>	<u>Protection</u> <u>(General Order 75-C)</u>
DA-43.06-C	Ringwood Avenue	Two Standard No. 9-A Signals
DA-43.24-C	Concourse Drive	Two Standard No. 8-A Signals
DA-43.52-C	Fortune Drive	Two Standard No. 8-A Signals
DA-43.44-C	Lundy Avenue	Two Standard No. 9-A Signals and Two Standard No. 9 Signals
DA-43.57-C	Trade Drive	Two Standard No. 8-A Signals

5. Construction expense of the crossings and installation cost of the automatic protection should be borne by the applicant.

6. Maintenance of the crossings should be in accordance with 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 crossings, 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 Ringwood Avenue, Concourse Drive, Fortune Drive, Lundy Avenue and Trade Drive, at grade, across the tracks of the Southern Pacific Transportation Company in the City of 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 5th  
day of OCTOBER, 1976.

[Signature]  
President  
William J. Lyons Jr.  
George L. Sturgeon  
[Signature]  
Robert Bateman  
Commissioners