

**ORIGINAL**

Decision 84 09 119

SEP 19 1984

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 drill track in, upon and )  
across Queens Lane in the City of )  
San Jose, County of Santa Clara, )  
State of California. )

Application 84-03-90  
(Filed March 29, 1984)

O P I N I O N

Southern Pacific Transportation Company (SPT) requests authority to construct an industrial drill track at grade in and across Queens Lane in San Jose, Santa Clara County.

Construction of the proposed drill track will extend an existing drill track to serve the Junction Avenue Industrial Park. The project area is located in north San Jose about five miles southeast of San Francisco Bay, about one mile north of the San Jose Civic Center, and about 2-1/2 miles north of the downtown Central Business District.

The Commission is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000, et seq. The site of the proposed project has been inspected by the Commission staff.

Notice of the application was published in the Commission's Daily Calendar on April 3, 1984. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. SPT requests authority under Public Utilities Code Sections 1201-1205 to construct an industrial drill track at grade in and across Queens Lane in San Jose, Santa Clara County.
2. The proposed industrial drill track crossing is required to provide rail service to the Junction Avenue Industrial Park.
3. Public convenience and necessity require construction of the proposed industrial drill track crossing.
4. Public safety requires that protection at the crossing be one automatic flashing-light signal (General Order (GO) 75-C).
5. Pending installation of the automatic flashing-light signal, the requirements of public safety at the crossing may be met by the installation of one Standard No. 1-R crossing sign (GO 75-C) and flagging of the crossing.
6. The Commission is the lead agency for this project under CEQA, as amended.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The activity is not covered by the requirements set forth in CEQA and, therefore, the Guidelines (14 Cal. Admin. Code-Div. 6) concerning the evaluation and review of environmental documents do not apply.

2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Transportation Company (SPT) is authorized to construct an industrial drill track at grade in and across Queens Lane in 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-45.65-C.

2. Construction of the crossing shall be equal or superior to Standard No. 1 of GO 72-B.

3. Clearances shall conform to GO 26-D. Walkways shall conform to GO 118.

4. Protection at the crossing shall be one Standard No. 8 automatic flashing-light signal (GO 75-C).

5. For a period not to exceed one year from the date of this order, protection at the crossing may be one Standard No. 1-R crossing sign (GO 75-C). No on-rail vehicle shall operate over the crossing unless it is first 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 flagman. The flagman shall place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

6. Written instructions shall be issued by SPT to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. A suitable sign shall be installed on the north side of Queens Lane calling the attention of trainmen to the flagging instructions.

7. Construction expense of the crossing and installation cost of the automatic protection shall be borne by SPT.

8. Maintenance of the crossing shall conform to GO 72-B. Maintenance cost of the automatic protection shall be borne by SPT.

9. Within 30 days after completion of the work, under this order, SPT shall advise the Commission in writing that the authorized work has been completed.

10. The application is granted as set forth above.

This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

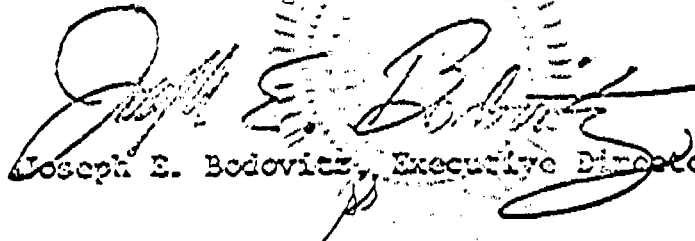
This order is effective 30 days from today.

Dated September 19, 1984, at San Francisco, California.

Commissioner William T. Bagley  
being necessarily absent, did  
not participate.

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director