

ORIGINAL

Decision 82 09 038 SEP 22 1982

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 a relocated at-grade crossing over The Southern Pacific Transportation Company's railroad tracks at Chynoweth Avenue and to close Shenado Place railroad crossing, P.U.C. No. E-58.2, in the City of San Jose, County of Santa Clara, State of California.

Application 82-06-21  
(Filed June 4, 1982)

O P I N I O N

As part of a roadway realignment project, the City of San Jose (City) requests authority to construct Chynoweth Avenue at grade across the tracks of Southern Pacific Transportation Company's (SPT) Coast Route Main Line in San Jose, Santa Clara County. Upon completion of the Chynoweth Avenue crossing, the adjacent Shenado Place crossing of SPT's tracks shall be closed and physically removed.

City 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. After preparation and review of an Initial Study, City issued a Negative Declaration and approved the project. On March 2, 1979, a Notice of

Determination was filed with the Santa Clara County Clerk which found that the project will not have a significant effect on the environment.

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The roadway realignment project includes construction of Chynoweth Avenue at grade across SPT's tracks, improvements to the Chynoweth Avenue-Roeder Road intersection with Monterey Highway (State Route 82), and closure of the existing Shenado Place crossing of SPT's tracks. The project will improve access to the Almaden Shopping Center from residential areas to the west and from Bayshore Highway (State Route 101) to the east.

Notice of the application was published in the Commission's Daily Calendar on June 8, 1982. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. City requests authority under Public Utilities (PU) Code Sections 1201-1205, to construct Chynoweth Avenue at grade across the tracks of SPT's Coast Route Main Line in San Jose, Santa Clara County.

2. The proposed crossing is required to improve access to the Almaden Shopping Center.

3. Public convenience and necessity require construction of the proposed railroad-highway crossing.

4. Upon completion of the Chynoweth Avenue crossing, and its opening to vehicular traffic, the existing Shenado Place grade crossing should be closed and physically removed.

5. Public safety requires that protection at the crossing be one Standard No. 9-A automatic gate-type signal with cantilever, three Standard No. 9 automatic gate-type signals, and one Standard No. 10 flashing light pedestrian signal (General Order 75-C).

6. City is the lead agency for this project under CEQA, as amended.

7. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

8. The project will have no significant impact on the environment.

Conclusion of Law

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 (City) is authorized to construct Chynoweth Avenue at grade across the tracks of Southern Pacific Transportation Company's (SPT) Coast Route Main Line in San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing E-58.15.

2. Upon completion of the Chynoweth Avenue crossing, and its opening to vehicular traffic, the existing Shenado Place crossing, Crossing E-58.2, shall be closed and physically removed.

3. Construction of the crossing shall be equal or superior to Standard No. 1 of General Order 72-B.

4. Clearances shall conform to General Order 26-D. Walkways shall conform to General Order 118.

5. Protection at the crossing shall be one Standard No. 9-A automatic gate-type signal with cantilever, three Standard No. 9 automatic gate-type signals, and one Standard No. 10 flashing light pedestrian signal (General Order 75-C), which will be installed under a California Department of Transportation Service Contract.

6. Construction expense of the crossing shall be borne by City.

7. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be shared equally by City and SPT under PU Code Section 1202.2.

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

9. Within 30 days after completion, under this order, City shall advise the Commission in writing.

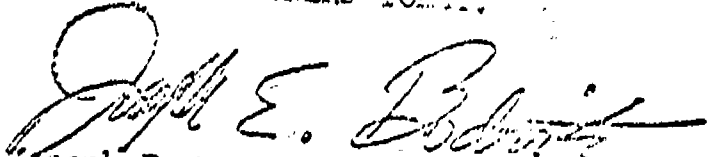
This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

This order becomes effective 30 days from today.

Dated SEP 22 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director