

Decision No. 86944

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Town of Los Gatos,)
a municipal corporation of the State)
of California, for permission to con-)
struct an at-grade crossing over the)
Southern Pacific Transportation)
Company's railroad tracks at Albright)
Way, in the Town of Los Gatos, County)
of Santa Clara, State of California)

Application No. 56854
(Filed November 8, 1976)

O P I N I O N

As part of a proposed industrial park development, the Town of Los Gatos requests authority to construct Albright Way, at-grade, across the tracks of the Southern Pacific Transportation Company in the Town of Los Gatos, Santa Clara County.

The new public grade crossing will replace a private crossing at Milepost L-53.10 which presently provides access to the same property.

The Town of Los Gatos 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 Los Gatos Planning Department approved the project and on July 28, 1975 filed a Notice of Determination with the Santa Clara County Clerk which found that "the project will not have a significant effect on the environment".

Notice of the application was published in the Commission's Daily Calendar on November 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 construct Albright Way, at-grade, across the Southern Pacific Transportation Company's team

track in the Town of Los Gatos, Santa Clara County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing L-53.15-C.

2. Construction of the crossing should be equal or superior to Standard No. 1 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 crossing should be one Standard No. 8A cantilever flashing light signal and two Standard No. 8 flashing light 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 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 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. After completion of the new grade crossing, identified as Crossing L-53.15-C, the existing private crossing of the team track at Milepost L-53.10 should be abandoned and physically closed.

9. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on July 21, 1975 approved its final Environmental Impact Report which has been filed with the Commission. The Commission has considered the final Environmental Impact Report and Notice of Determination in rendering its decision on this project and finds that:

- a. The environmental impact of the proposed action is insignificant.
- b. The planned construction is the most feasible and

economical that will avoid any possible environmental impact.

- c. There are no known irreversible environmental changes involved in this project.

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 Town of Los Gatos is authorized to construct Albright Way, at-grade, across the tracks of the Southern Pacific Transportation Company in the Town of Los Gatos, 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.

A. 56854 VVB

The effective date of this order shall be twenty days after the date hereof.

Dated at San Diego, California, this 8th day of FEBRUARY, 1977.

Robert Bateman

President

William Agnew

William R. Sturgeon

Samuel Ross

Richard W. Howell

Commissioners