

ORIGINAL

Decision No. 88211 DEC 6 1977

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 an at grade crossing over the Southern Pacific Transportation Company's railroad tracks at Branham Lane, in the County of Santa Clara, State of California.

Application No. 56638
(Filed July 23, 1976)

O P I N I O N

The City of San Jose requests authority to construct Branham Lane at grade across the tracks of the Southern Pacific Transportation Company's Lick Branch Line in the City of San Jose, Santa Clara County.

In its application, the City of San Jose requested that authority be granted for interim protection of the crossing by flagmen, pending the outcome of the Southern Pacific Transportation Company's application before the Interstate Commerce Commission to abandon the end portion of its Lick Branch Line. By its letter of August 10, 1977, to the Commission, the City of San Jose advised that the Southern Pacific Transportation Company had withdrawn its application for abandonment of the end portion of its Lick Branch Line and that the protection proposed at the crossing would, therefore, be automatic gates as shown in Exhibit A attached to the application.

The City of San Jose is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended. After review of a Negative Declaration, the San Jose City Council approved the project and on July 18, 1976, 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 July 26, 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. The City of San Jose should be authorized to construct Branham Lane at grade across the Southern Pacific Transportation Company's Lick Branch Line in the City of San Jose, Santa Clara County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing EXA-57.1.
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 two Standard No. 9 automatic gate-type signals and two Standard No. 9-A automatic gate-type signals with cantilevers (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. Applicant is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, and on January 16, 1976, approved its Negative Declaration which has been filed with the Commission. The Commission has considered the

Negative Declaration 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 City of San Jose is authorized to construct Branham Lane at grade across the tracks of the Southern Pacific Transportation Company's Lick Branch Line in 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.

A. 56638 VVB

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

Dated at San Francisco, California, this 6th day of DECEMBER, 1977.

Robert Batimnich

President

William J. Lyons

James L. Johnson

Robert D. Howell

Clare T. DeBrie

Commissioners