

Decision No. 89280 AUG 22 1978

ORIGINAL

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 spur track in, upon and across Component Drive in the City of San Jose, County of Santa Clara, State of California.

Application No. 58136
(Filed June 12, 1978)

O P I N I O N

The Southern Pacific Transportation Company requests authority to construct an industrial spur track at grade across Component Drive in the City of San Jose, Santa Clara County.

The proposed spur track will serve an industrial subdivision identified as Lincoln Property Company No. 164.

Notice of the application was published in the Commission's Daily Calendar on June 15, 1978. 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 an industrial spur track at grade across Component Drive 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 DA-47.49-C.
2. Construction of the crossing should be equal or superior to Standard No. 4-C of the 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. 8-A flashing light signals with cantilevers (General Order 75-C).
5. For a period not to exceed one year from the date of this

order, protection at the crossing may be two Standard No. 1-R signs (General Order 75-C) and no on-rail vehicle should be operated 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 a flagman.

6. Written instructions should be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions should be filed with the Commission within thirty days after installation of the crossing. The flagging procedures outlined in Finding 5 should remain in full force until the required automatic protection is installed and operative.

7. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

8. 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.

9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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 Southern Pacific Transportation Company is authorized to construct an industrial spur track at grade across Component Drive 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 one year 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 thirty days after the date hereof.

Dated at San Francisco, California, this 22nd
day of AUGUST, 1978.

Robert Bateman
President
William J. ...
...

Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.