

T/SD

Decision No. 92841 MAR 17 1981

ORIGINAL

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 grade separation over the Southern Pacific Transportation Company's railroad tracks and Monterey Highway (State Rt. 82) at Bernal Road in the City of San Jose, County of Santa Clara, State of California.

Application No. 60271
(Filed February 19, 1981)

O P I N I O N

As part of the Edenvale Redevelopment Project Area Expansion, the City of San Jose requests authority to construct Bernal Road at separated grades over the tracks of Southern Pacific Transportation Company's Coast Route Main Line in the City of San Jose, Santa Clara County.

The priority list of grade separation projects for the fiscal year 1980-81, as set forth in Decision No. 91887, dated June 30, 1980, shows this project as Priority No. 16.

The City of San Jose is the lead agency for this project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code, Section 21000 et seq.

After preparation and review of an Environmental Impact Report, the City of San Jose approved the project. On August 12, 1976, a Notice of Determination was filed with the Santa Clara County Clerk which found that: "the Edenvale Project will 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 Final Environmental Impact Report. The site of the proposed project has been inspected by the Commission staff.

The project herein involved is an amendment expanding the original Edenvale Redevelopment Project boundary. The project is located in the Edenvale Planning Area of South San Jose. The proposed area of expansion encompasses about 1,166 acres, extending north and east from the original project area, extending from near Tennant Avenue on the south to near Hellyer Avenue on the north.

Major adverse impacts include the elimination of 650 acres of rural and agricultural land, increased air pollution, increased noise pollution, increased vehicular traffic, a change in the visual character of the area, and eventual displacement of existing residents in the area. Mitigation measures will be required by the City of San Jose to eliminate or substantially reduce the severity of the anticipated adverse impacts.

Notice of the application was published in the Commission's Daily Calendar of February 24, 1981. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority pursuant to Sections 1201-1205 of the Public Utilities Code to construct Bernal Road at separated grades over the tracks of Southern Pacific Transportation Company's Coast Route Main Line in the City of San Jose, Santa Clara County.
2. The proposed grade separation is required to provide improved access to developing residential, industrial and commercial areas west of the railroad's tracks.
3. Public convenience, necessity, and safety require construction of the proposed Bernal Road overcrossing and closure of the existing grade crossing.
4. Applicant is the lead agency for this project pursuant to the California Environmental Act of 1970, as amended.
5. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report.

6. This project will have a significant impact on the environment; however, the adopted mitigation measures will either eliminate or reduce the severity of the adverse impacts.

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 is authorized to construct Bernal Road at separated grades over the tracks of Southern Pacific Transportation Company's Coast Route Main Line in the City of San Jose, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as Crossing E-60.7-A.

2. Clearances shall conform to General Order 26-D.

3. Walkways shall conform to General Order 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

4. Construction and maintenance costs shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and a copy of the agreement, together with plans of the crossing approved by Southern Pacific Transportation Company, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

5. Upon completion of Bernal Road overcrossing, and its opening to vehicular traffic, the existing Bernal Avenue grade crossing, Crossing E-61.0, shall be closed and physically removed.

6. 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 three 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.

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

Dated MAR 17 1981, at San Francisco, California.

John E. Guye
President
Richard D. ...
...
...
Commissioners