

T/SD

Decision No. 93073 MAY 19 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 an at-grade crossing over The Southern Pacific Transportation Company's railroad tracks at Brokaw Road in City of San Jose, County of Santa Clara, State of California.

Application No. 60035  
(Filed October 28, 1980)

O P I N I O N

As part of the Rincon de los Esteros Redevelopment Project, the City of San Jose requests authority to construct Brokaw Road at grade across the tracks of Southern Pacific Transportation Company's Niles-San Jose Branch Line in the City of San Jose, Santa Clara County.

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 June 21, 1979, a Notice of Determination was filed with the Santa Clara County Clerk which found that: "The project in its approved form 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 project has been inspected by the Commission staff.

The project site is located in the northern portion of the City of San Jose in a generally undeveloped area. The existing land uses within the boundaries of the redevelopment project range from

commercial and industrial to agricultural. The construction of Brokaw Road will provide a connection eastward across Highway 17 to Murphy Avenue and will be a part of the traffic circulation system in the redevelopment project. Major adverse impacts include the conversion of vacant and agricultural land to heavy and light industrial uses, increasing air and noise pollution due to construction, increases in vehicular traffic, and displacement of residents who occupy approximately 65 homes. Mitigation measures include road improvements, reduction of trip generation by utilization of car pools, improvements in public transportation, increased bicycle riding, staggered work hours and relocation assistance for displaced residents.

Notice of the application was published in the Commission's Daily Calendar on November 3, 1980. 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 Brokaw Road at grade across the tracks of Southern Pacific Transportation Company's Niles-San Jose Branch Line in the City of San Jose, Santa Clara County.
2. The extension of Brokaw Road across Southern Pacific Transportation Company's tracks is required to provide access to developing commercial and light industrial areas in the City of San Jose.
3. Public convenience and necessity require the construction of the proposed railroad-highway crossing.
4. Public safety requires that protection at the crossing be four Standard No. 9-A automatic gate-type signals with cantilevers (General Order 75-C).
5. Applicant is the lead agency for this project pursuant to the California Environmental <sup>Quality</sup> Act of 1970, as amended. ✓
6. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Final Environmental Impact Report. >

7. This project will have a significant impact on the environment; however, the proposed 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 Brokaw Road at grade across the tracks of Southern Pacific Transportation Company's Niles-San Jose Branch 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 DA-43.6.

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

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

4. Protection at the crossing shall be four 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 shall be borne by applicant.

6. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall 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, shall be filed with the Commission prior to commencing construction.

8. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

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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.

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

Dated MAY 19 1981, at San Francisco, California.

John E. Bryan  
President  
Richard D. Stangle  
James W. Smith  
Walter Cabro  
Lawrence C. Green  
Commissioners