

ORIGINAL

Decision 93293

JUL 7 1981

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)
construct an at-grade crossing over)
the Southern Pacific Transportation)
Company's railroad tracks at Knowles)
Drive, in the County of Santa Clara,)
State of California.)

Application 59765
(Filed June 25, 1980)

O P I N I O N

As part of the Knowles Drive Assessment District project to open a new street between Winchester Boulevard and Dell Avenue, applicant requests authority to construct Knowles Drive at grade across the tracks of Southern Pacific Transportation Company's (SPT) Vasona Branch Line in Los Gatos, Santa Clara County. Authority is also requested to close the adjacent Division Street grade crossing (Crossing L-52-6) in Campbell, Santa Clara County, upon completion of the Knowles Drive grade crossing.

Applicant is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Sections 21000 et seq. After preparation and review of an Initial Study, applicant issued a Negative Declaration and approved the project. On January 29, 1980, a Notice of Determination was filed with the Santa Clara County Clerk which found that "the project will not have a significant environmental impact."

The Commission is a responsible agency for this project under CEQA and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration. The site of the proposed project has been inspected by the Commission staff.

The extension of Knowles Drive will provide improved vehicular access from Winchester Boulevard to the nearby hospital complex and will reduce traffic on Pollard Road. The area to the north of the proposed crossing has been developed for industrial use and it is anticipated that the abandoned orchard to the south of the crossing will also be developed for industrial use.

By Resolution 5755, dated March 10, 1980, the City of Campbell, Santa Clara County, agreed to closure of the Division Street crossing of SPT's Vasona Branch Line. By this resolution, the Campbell City Council resolved that "the portion of Division Street between Winchester Boulevard and the easterly line of the Lands of Southern Pacific Transportation Company, a public street in the City of Campbell, will be closed to motorized vehicular use when Knowles Drive is extended easterly of Winchester Boulevard to Dell Avenue."

Applicant awarded a contract for the Knowles Drive Assessment District Project on May 4, 1981, and is anxious that construction work be permitted to start. It is therefore requested that the usual 30-day effective date on an order be waived, which we will do.

Notice of the application was published in the Commission's Daily Calendar on June 27, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. Applicant requests authority under Public Utilities (PU) Code Sections 1201-1205 to construct Knowles Drive at grade across the tracks of SPT's Vasona Branch Line in Los Gatos, Santa Clara County.
2. Authority is also requested to close the adjacent Division Street grade crossing in Campbell, Santa Clara County, upon completion of the Knowles Drive grade crossing.
3. The project will provide improved vehicular access from Winchester Boulevard to the existing hospital complex, reduce traffic on Pollard Road, and eliminate the need for the existing Division Street grade crossing in Campbell.

4. The City of Campbell has agreed to closure of the Division Street grade crossing upon the opening of Knowles Drive to vehicular traffic between Winchester Boulevard and Dell Avenue.

5. Public convenience and necessity require construction of the Knowles Drive Assessment District Project.

6. Public safety requires that protection at the crossing be one Standard No. 9 automatic gate-type and one Standard No. 9-A automatic gate-type signal with cantilever (General Order 75-C).

7. Pending installation of the automatic gate-type signals, the requirements for public safety at the crossing may be met by the installation of two Standard No. 1-R crossing signs (General Order 75-C) and flagging of the crossing.

8. Applicant is the lead agency for this project under CEQA, as amended.

9. The Commission is a responsible agency for this project and has independently evaluated and assessed the lead agency's Initial Study and Negative Declaration.

10. This project will have no significant impact on the environment.

Conclusions of Law

1. The application should be granted as set forth in the following order.

2. The usual 30-day effective date on an order should be waived as applicant awarded a contract for the Knowles Drive Assessment District Project on May 4, 1981, and is anxious that construction begin.

O R D E R

IT IS ORDERED that:

1. Applicant is authorized to construct Knowles Drive at grade across the tracks of Southern Pacific Transportation Company's (SPT) Vasona Branch Line in Los Gatos, Santa Clara County, at the location and substantially as shown by the plans attached to the application, to be identified as Crossing L-52.1.

2. Construction of the crossing shall be equal or superior to Standard No. 3 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 one Standard No. 9 automatic gate-type signal and one Standard No. 9-A automatic gate-type signal with cantilever (General Order 75-C).

5. Upon completion of the Knowles Drive crossing and its opening to vehicular traffic, the existing Division Street crossing, Crossing L-52.6, in Campbell, Santa Clara County, shall be closed and physically removed.

6. 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 crossing signs (General Order 75-C). No on-rail vehicle shall operate 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. The flagman shall place a minimum of two fuses on each side of the track prior to entry of the on-rail vehicle into the crossing.

7. Written instructions shall be issued by the railroad to trainmen, operating over the crossing, to comply with the flagging instructions. A copy of the instructions shall be filed with the Commission within 30 days after installation of the crossing. Suitable signs shall be installed on both sides of Knowles Drive, calling the attention of trainmen to the flagging instructions. The flagging procedures shall remain in full force until the required automatic protection is installed and operative.

8. Parking on Knowles Drive within 50 feet of the crossing shall be prohibited.

9. Construction expense of the crossing shall be borne by applicant. Installation cost of the automatic protection shall be shared equally by applicant and SPT.

10. Maintenance of the crossing shall conform to General Order 72-B. Maintenance cost of the automatic protection shall be shared equally between applicant and SPT under PU Code Section 1202.2.

11. Construction plans of the crossing, approved by SPT, together with a copy of the agreement entered into between the parties, shall be filed with the Commission prior to commencing construction.

12. Within 30 days after completion, under 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.

This order is effective today.

Dated JUL 7 1981, at San Francisco, California.

Jul E. Bayne
President

Leonard W. Quinn
Victor Carter

Prudence M. ...
Commissioners

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