

Decision No. 62065

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of The Western Pacific Railroad Company for authority to construct a track at grade across Landess Avenue, in Milpitas, County of Santa Clara, State of California.

Application No. 43042

In the Matter of the Application of The City of Milpitas, California for permission to: (1) Construct new grade crossings across an existing drill track and across a proposed Wye track. (2) Widen an existing grade crossing over the tracks of The Western Pacific Railroad in the City of Milpitas, County of Santa Clara, State of California.

Application No. 43295

O R D E R

City of Milpitas (applicant - Application No. 43295) is authorized to widen the crossing of Landess Avenue at grade with tracks of The Western Pacific Railroad Company, Crossing No. 4G-12.3, in Milpitas, Santa Clara County, substantially as set forth in the application. Width of crossing shall be not less than 50 feet with grades of approach not greater than five percent Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by:

- (1) Two Standard No. 1 crossing signs (General Order No. 75B) reflectorized with reflex-reflective sheet material.
- (2) Appropriate railroad instructions as well as signs installed on the railroad approaches to said grade crossing that advise railroad operating personnel of the following requirement:

No train, engine, motor or car shall be operated over said crossing in switching operations unless

said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.

City of Milpitas is also authorized to construct Piper Drive at grade across an existing drill track of The Western Pacific Railroad Company in Milpitas, Santa Clara County, at the location described in Application No. 43295 to be identified as Crossing No. 4G-12.21-C. Width of crossing shall be not less than 24 feet and grades of approach not greater than one percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B).

Construction expense shall be apportioned by agreement between the parties or, if they fail to agree, by further order of the Commission. Maintenance cost outside of lines two feet outside of rails shall be borne by the City of Milpitas. The Western Pacific Railroad Company shall bear maintenance cost between such lines.

By a letter dated April 10, 1961, The Western Pacific Railroad Company has informed the Commission that it desires to withdraw its proposal to construct a wye track across Landess Avenue in Milpitas, Santa Clara County, stating that conditions have recently changed at the proposed crossing site. The proposal is set forth in Application No. 43042 of The Western Pacific Railroad Company and Commission dismissal of this application has been requested by the railroad. Therefore, IT IS ORDERED that Application No. 43042 is hereby dismissed without prejudice.

Application No. 43295 (City of Milpitas) includes a request for authority to construct Piper Drive across the above-mentioned wye track. In view of the railroad's withdrawal of its plans to construct the wye track, IT IS FURTHER ORDERED that Application No, 43295 except as granted herein is hereby denied.

Within thirty days after completion pursuant to this order, City of Milpitas shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require. City of Milpitas alleges that the industry to be served by the new roadway contemplates immediate construction and asks that the authorization requested be made effective immediately. Therefore, the effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 31st day of May 1961.

Lawrence R. Page
President
E. J. [unclear]
George H. Crover
Frederick B. Holcomb
Commissioners