

Decision No. 80543**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 spur)
 track at grade across Yosemite Drive)
 and across "A" Street in the City of)
 Milpitas, County of Santa Clara,)
 State of California.)

Application No. 53403
 (Filed June 15, 1972)

O R D E R

The Western Pacific Railroad Company is hereby authorized to construct a spur track at grade across Yosemite Drive and "A" Street in Milpitas in the County of Santa Clara at the location and substantially as shown by plans (Exhibits A-1 and A-2) attached to the application, to be identified as Crossings Nos. 4G-13.26-C and 4G-13.52-C, respectively.

Construction of the rail crossings shall be equal or superior to Standard No. 2 of General Order No. 72-A with tops of rails flush with finished roadway.

Width of crossings, measured at right angles to the street, shall conform to the existing graded roadway, including sidewalks. Finished grades of approach shall conform to the existing roadway.

Clearances, including any curbs, shall conform to General Order 26D. Walkways shall conform to General Order 118 in that the transition slope between walkways required under General Order 118 and top of roadway shall provide a reasonable regular surface with gradual slope not to exceed one inch vertical to eight inches horizontal in all directions of approach.

Protection, governed by General Order 75-B, at "A" Street, Crossing No. 4G-13.52-C, shall be two Standard No. 1 crossing signs reflectorized with reflex-reflective sheet material.

Protection, governed by General Order 75-B, at Yosemite Drive, Crossing No. 4G-13.26-C, shall be two Standard No. 3 flashing light crossing signals supplemented with additional

flashing light signals on cantilevered arms. This protection shall be installed within three years from the date of this order.

Pending installation of said automatic crossing protection at Yosemite Drive, the crossing may be opened to railroad use provided the following items are complied with:

- (1) Install two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material.
- (2) No train, engine, motor or car shall be operated over said crossing unless it shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee of the railroad acting as flagman. Suitable signs calling attention of trainmen to the above restriction shall be erected at each end of the crossing. The railroad shall issue written instructions for crews operating over this crossing to comply with this order.

The aforementioned operating restrictions and crossing protection shall expire after the automatic protection ordered herein is installed and operative.

Construction expense of the crossings and installation and maintenance of automatic protection shall be borne by the applicant.

Maintenance costs of the crossings within lines two feet outside of rails shall be borne by the applicant.

No train, engine or car shall be operated over the crossings until the protection ordered herein is installed and operative. No obstruction shall remain or be placed near the crossings which will impair the motorists' view of the signs or signals.

Within thirty (30) days after completion pursuant to 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 26th day of SEPTEMBER, 1972.

Vernon L. Stearns
President
William J. Higgins
John J. Higgins
John J. Higgins
John J. Higgins
Commissioners