

ORIGINAL

Decision No. 82226

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  
Wrigley Way in the City of Milpitas  
County of Santa Clara, State of  
California.

Application No. 54310  
(Filed September 11, 1973)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct a second spur track at grade across Wrigley Way in the city of Milpitas. Notice of the application was published in the Commission's Daily Calendar on September 13, 1973. No protests have been received. A public hearing is not necessary.

Findings

1. The request is in the public interest and should be granted.
2. Applicant should be authorized to construct a second industrial spur track at grade across Wrigley Way in the city of Milpitas, county of Santa Clara, at the location and substantially as shown by plans attached to the application, identified as a portion of Crossing No. 4G-13.52-C.
3. Construction of crossing should be equal or superior to Standard No. 1 of General Order No. 72-B, with tops of rails flush with finished roadway.
4. Width of crossing construction measured at right angles to the street should conform to the graded roadway including sidewalks.
5. Finished grades of approach should be not greater than one percent within 100 feet of track as shown on the plan attached to the application.

6. Clearances, including any curbs, should conform to General Order No. 26-D. Walkways should conform to General Order No. 118.

7. Protection at the crossing should be two Standard No. 1R crossing signs, under the provisions of General Order No. 75-C.

8. The cost of constructing the crossing and the maintenance thereof, within lines extended two feet outside of the rails should be borne by the applicant.

9. This project is exempted from the provisions of the California Environmental Quality Act of 1970, as amended, under Rule 17.1(m)(1)(A)6, of the Commission's Rules of Practice and Procedure.

We conclude that the application should be granted as provided in the following order.

O R D E R

IT IS ORDERED that:

1. The Western Pacific Railroad Company is authorized to construct a second spur track at grade across Wrigley Way in the city of Milpitas, county of Santa Clara, at the location and substantially as described by the plans attached to the application and the findings herein.

2. Within thirty days after the second spur track is installed applicant shall provide written notice to the Commission that the project is completed. This authorization will expire if not exercised within two years from the date of this order, unless canceled, altered, or extended by further order of this Commission.

A.54310 NB

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 7<sup>th</sup> day of DECEMBER, 1973.

Vernon L. Stinson  
President  
William J. Sympson, Jr.  
William J. Sympson, Jr.  
William J. Sympson, Jr.  
William J. Sympson, Jr.  
Commissioners