

ORIGINAL

Decision No. 88279 DEC 20 1977

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 drill track at grade)
over and across McLaughlin)
Avenue within the City of)
San Jose, County of Santa Clara,)
State of California)

Application No. 57490
(Filed August 2, 1977)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct an industrial drill track at grade across McLaughlin Avenue in the City of San Jose, Santa Clara County. The proposed crossing is located in an existing industrial area. The drill track will be an extension of trackage which now serves the industrial area to the west of McLaughlin Avenue and will provide rail service to the industrial area now being developed to the east of McLaughlin Avenue.

Notice of the application was published in the Commission's Daily Calendar on August 3, 1977. No protests have been received. A public hearing is not necessary.

F I N D I N G S

After consideration, the Commission finds:

1. Applicant should be authorized to construct an industrial drill track at grade across McLaughlin Avenue in the City of San Jose, Santa Clara County, at the location and substantially as shown by the plan attached to the application, to be identified as Crossing 4G-19.1-C.
2. Construction of the crossing should be equal or superior to Standard No. 1 of General Order 72-B.
3. Clearances should conform to General Order 26-D. Walkways should conform to General Order 118.
4. Protection at the crossing should be four Standard No. 9 automatic gate-type signals (General Order 75-C).

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5. Construction cost of the crossing and installation cost of the automatic protection should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B. Maintenance cost of the automatic protection should be borne by the applicant.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

C O N C L U S I O N S

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order:

O R D E R

IT IS ORDERED that:

1. The Western Pacific Railroad Company is authorized to construct an industrial drill track at grade across McLaughlin Avenue in the City of San Jose, Santa Clara County, as set forth in the findings of this decision.

2. Within thirty 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 the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 20th day of DECEMBER, 1977.

Robert Butinaich

President

William Sproun Jr.

Yves L. Sturgeon

Richard W. Goodale

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.