

Decision No. 88409 JAN 24 1978

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 ) Application No. 57619  
 within the confines of an industrial ) (Filed October 11, 1977)  
 subdivision being developed by Standard )  
 Realty and Development Company in the )  
 City of Milpitas, County of Santa )  
 Clara, State of California. )

O P I N I O N

The Western Pacific Railroad Company requests authority to construct an additional spur track at grade at its existing crossing of Yosemite Drive (Crossing 4G-13.26-C) in the City of Milpitas, Santa Clara County.

The existing crossing consists of one spur track which serves a building in an industrial subdivision being developed by Standard Realty and Development Company. The proposed additional spur track will be installed as part of the continuing development of this rail-served subdivision.

Notice of the application was published in the Commission's Daily Calendar on October 13, 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 additional spur track at grade at its existing crossing of Yosemite Drive in the City of Milpitas, Santa Clara County, at the location and substantially as shown by plans attached to the application, to be identified as a portion of Crossing 4G-13.26-C.
2. Construction of the additional spur track 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 continue to be two Standard No. 1-R crossing signs (General Order 75-C), with one crossing sign being relocated to accommodate the additional spur track.

5. Construction cost of the crossing and relocation cost of the crossing signs should be borne by the applicant.

6. Maintenance of the crossing should be in accordance with General Order 72-B.

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 additional spur track at grade at its existing crossing of Yosemite Drive (Crossing 4G-13.26-C) in the City of Milpitas, 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 one year 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.

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

Dated at San Francisco, California, this 24th day of JANUARY, 197 .

Robert Bakemiel  
President  
William S. Squires Jr.  
George L. Sturgeon  
Richard P. Howell  
Clair J. Deibel  
Commissioners