

SD

Decision No. 90162 APR 10 1979

**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 over and across Ames )  
Avenue and a spur track at grade )  
over and across Yosemite Drive with- )  
in the City of Milpitas, County of )  
Santa Clara, State of California. )

Application No. 58405  
(Filed October 12, 1978)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct a spur track at grade across Ames Avenue and a spur track at grade across Yosemite Drive in the City of Milpitas, Santa Clara County.

The proposed spur tracks will take off from the proposed drill track authorized by Decision No. 88794, dated May 2, 1978, in Application No. 57907, which will serve the industrial subdivision being developed by Standard Realty and Development Company. The proposed spur tracks will be installed as part of the continuing development of this rail-served subdivision.

The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended, Public Resources Code, Section 21000 et seq. The site of the proposed project has also been inspected by the Commission staff.

The proposed drill track will cross both Ames Avenue and Yosemite Drive at grade. The proposed spur tracks, beginning just north of Ames Avenue and Yosemite Drive, respectively, will cross these streets adjacent to the drill track. At each location the spur and drill tracks are considered to be one crossing. The proposed project is located in an industrial area. Several of the existing industries are already provided with rail service. The proposed spur tracks are in line with the objectives of the development.

Notice of the application was published in the Commission's Daily Calendar on October 16, 1978. 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 a spur track at grade across Ames Avenue and a spur track at grade across Yosemite Drive in the City of Milpitas, Santa Clara County, at the locations and substantially as shown by plans attached to the application, to be identified as a portion of Crossings 4G-13.45-C and 4G-13.71-C, respectively.
2. Construction of the crossings 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. The two Standard No. 8-A flashing light signals with cantilevers (General Order 75-C), required to be installed for protection of the proposed drill track crossings authorized by Decision No. 88794, should be located, as shown by plans attached to the instant application, to provide protection for the two tracks to be installed at each crossing.
5. Construction cost of the crossings should be borne by the applicant. Maintenance of the crossings should be in accordance with General Order 72-B.
6. Installation and maintenance costs of the automatic protection should be borne by the applicant as provided in Decision No. 88794 (Application No. 57907).
7. The Commission is the lead agency for this project pursuant to the California Environmental Quality Act of 1970, as amended.
8. 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

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

ORDER

IT IS ORDERED that:

1. The Western Pacific Railroad Company is authorized to construct a spur track at grade across Ames Avenue (Crossing 4G-13.45-C) and a spur track at grade across Yosemite Drive (Crossing (4G-13.71-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 thirty days after the date hereof.

Dated at San Francisco, California, this 10th day of APRIL, 1979.

John E. Boyer  
President

Vernon L. Sturgeon

Richard P. Howell

Walter T. ...

...  
Commissioners