

SD

Decision No. 90450 JUN 19 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 West )  
 Home Street in the City of San Jose, )  
 County of Santa Clara, State of )  
 California. )

Application No. 58824  
 (Filed April 25, 1979)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct an additional spur track at grade across West Home Street in the City of San Jose, Santa Clara County.

The proposed spur track will take off from the existing spur track which serves Del Monte Company's Plant No. 3 located immediately north of West Home Street.

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 West Home Street at grade just easterly of the existing track. The spur tracks are considered to be one crossing. The proposed project is located in an industrial area and the existing industries are already provided with rail service.

Notice of the application was published in the Commission's Daily Calendar on April 26, 1979. 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 across West Home Street in the City of San Jose, 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-22.2-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. The existing two Standard No. 1-R crossing signs should be relocated, as shown by plans attached to the instant application, to provide protection for the two tracks.

5. Construction cost of the crossing and installation 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. 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:

### 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 across West Home Street as part of the existing Crossing 4G-22.2-C 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 one year unless time be extended or if the above conditions are not complied with.

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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 19th  
day of JUNE 1, 1979.

John E. Byrne  
President

James L. Sturgeon

Arthur W. Swell

Clare J. DeLoach

Donald W. Smith  
Commissioners