

SD

Decision No. 91704

APR 15 1980

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 and relocate
an existing spur track at grade
over and across Wrigley Way within
the City of Milpitas, County of
Santa Clara, State of California }

Application No. 59384
(Filed January 16, 1980)

O P I N I O N

The Western Pacific Railroad Company requests authority to construct a spur track at grade and to relocate an existing spur track at grade across Wrigley Way in the City of Milpitas, Santa Clara County.

The proposed spur track will take off from an existing drill track which now serves 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 spur track will spring from an existing drill track just north of Wrigley Way and the relocated spur track will spring from a run-around track constructed to serve the industrial subdivision. The proposed project is located in an industrial area, and 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 January 17, 1980. 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 and relocate the existing spur track at grade across Wrigley Way in the City of Milpitas, Santa Clara County, at the locations and substantially as shown by plans attached to the application, identified as Crossing No. 4G-13.52-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 two Standard No. 8-A flashing light signals with cantilevers (General Order 75-C).
5. Construction cost of the crossing should be borne by the applicant. Maintenance of the crossing should be in accordance with General Order 72-B.
6. Installation and maintenance costs of the automatic protection should be borne by the applicant.
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 a spur track at grade and to relocate the existing spur track at grade across Wrigley Way in the City of Milpitas, Santa Clara County, as set forth in the findings of this decision.

A. 59384

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.

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

Dated APR 15 1980, at San Francisco, California.

President
Vernon L. Sturgeon

Richard D. Howell

Charles T. Delaney

John E. Bryson
Commissioners

Commissioner John E. Bryson,
being necessarily absent, did
not participate.