

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY for an order)
 authorizing the construction at grade)
 of a spur track across main track and)
 lead track of The Western Pacific)
 Railroad Company between Oak and Fallon)
 Streets near Third Street, in the City)
 of Oakland, County of Alameda, State of)
 California.)

Application No. 44641

ORDER

Southern Pacific Company on July 17, 1962 applied for authority to construct a spur track at grade across the main track and a lead track of The Western Pacific Railroad Company between Oak and Fallon Streets near Third Street, in the City of Oakland, County of Alameda, State of California. The Western Pacific Railroad Company has consented in writing to the construction of said crossing at grade across its tracks which will be in accordance with an agreement made between applicant and The Western Pacific Railroad Company dated May 28, 1962. Said agreement sets forth the whole of the understanding between said parties for the construction, maintenance and operation of the track crossing, including protective devices.

It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing at the point mentioned and that the application should be granted subject to certain conditions,

IT IS ORDERED that Southern Pacific Company is authorized to construct a track at grade across the tracks of The Western Pacific

Railroad Company in Oakland, California, at the location more particularly described in the application and as shown by Western Division Drawing No. 0-4300, Sheet 1, dated February 7, 1961, attached thereto, subject to the following conditions:

1. The expense of constructing and thereafter maintaining the crossing, including protective devices therefor, in good and firstclass condition for safe and convenient railway use shall be apportioned in accordance with an agreement made May 28, 1962 by applicant and The Western Pacific Railroad Company and attached to the application.

2. Operations over the crossing and the protective devices therefor shall be in accordance with the aforementioned agreement between parties dated May 28, 1962.

3. Applicant shall, within 30 days thereafter, notify the Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.

4. The Commission reserves the right to make such further orders relative to the location, construction, operation, and additional protection of said crossing as it may deem right and proper, and to revoke this authorization, if, in its judgment, public convenience and necessity demands such action.

The authority herein granted shall become effective 20 days after the date hereof.

Dated at San Francisco, California, this 11th day of SEPTEMBER, 1962.

George G. Grover
President

[Signature]

Fredrick B. Halbluff

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.