

Decision No. 65442

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 King Road in the City
of San Jose, County of Santa Clara.

} Application No. 44975

O R D E R

The Western Pacific Railroad Company is hereby authorized to construct a spur track at grade across King Road in the City of San Jose, County of Santa Clara, at the location described in the application, to be identified as Crossing No. 4G-16.54-C. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width to conform to the portion of the road now graded, with tops of rails flush with the roadway and with grades of approach not exceeding two percent. Protection shall be by two Standard No. 8 flashing light signals. (General Order No. 75-B) Applicant shall bear entire construction and maintenance expense.

The application includes Resolution No. 22738 of the City Council of San Jose adopted on September 11, 1962, granting permission to The Western Pacific Railroad Company to construct the spur track in question. The resolution in numbered paragraph 6 contains a provision to the effect that in the event it becomes necessary to relocate any signals or safety devices as a result of any improvements or widening of King Road, such expense of relocation will be borne by The Western Pacific Railroad Company. The resolution also states that said provision should be made a part of any order issued by the California Public Utilities Commission in this matter. Resolution 22738 is not binding upon this

Commission and this order will not contain the provision referred to in paragraph 6 of the Resolution 22738.

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 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 21st day of MAY, 1963.

George T. Grover
President

Ed. E. [unclear]

Fredrick B. Holshoff

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