

Decision No. 73699

**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 reconstruct a spur  
track at grade across Fifth and Keyes  
Streets in the City of San Jose, County  
of Santa Clara, State of California. )

) Application No. 49946  
) (Filed January 16, 1968)

ORDER

The Western Pacific Railroad Company is hereby authorized to construct an additional spur track at grade across Keyes Street in the City of San Jose, Santa Clara County, at the location described in the application, to be identified as a portion of Crossing No. 4G-20.1-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 street now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection shall be by existing two Standard No. 8 crossing signals (General Order No. 75-B). Applicant shall bear entire construction and maintenance expense.

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.

Applicant alleges that the new industry to be served by the spur in question is urgently in need of rail service.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of FEBRUARY, 1968.

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President

Stallman W. Bennett

Augustus

William S. Jones

Arif P. Monassef

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Commissioners

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