

**ORIGINAL**

Decision No. 75055

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 drill and  
spur tracks at grade across Pacific  
Street in the City of Union City,  
County of Alameda, State of California.)

} Application No. 50658  
(Filed October 30, 1968)

O R D E R

The Western Pacific Railroad Company is hereby authorized to construct drill and spur tracks at grade across Pacific Street in the City of Union City, Alameda County, at the location described in the application, to be identified as Crossing No. 4-26.5-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 two percent. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material. Applicant shall bear entire construction and maintenance expense.

Applicant includes Resolution No. 858-68 of the City of Union City, passed and adopted May 27, 1968 granting permission to The Western Pacific Railroad Company to construct the subject tracks. By paragraph 9 the resolution requires The Western Pacific Railroad Company to apply to the Commission for exempt status for the crossing at Atlantic Street. The Western Pacific Railroad Company alleges that such request is irrelevant in this proceeding inasmuch as its subject application concerns a crossing of Pacific Street, not Atlantic Street.

As the only two spur track grade crossings of Atlantic Street in the City of Union City, Crossings Nos. 4-26.13-C and 4-26.36-C, were granted exempt status by Decision No. 73291 in Case No. 5979 dated November 7, 1967, the Commission in this decision will not pass on the issue raised by the applicant concerning Resolution No. 858-68 of the City of Union City.

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 said tracks are needed to reach and serve industrial properties now under development in the vicinity. The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1968.

William Sproule, Jr.  
President

August  
Ed P. Monseig  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.