

ORIGINAL

Decision No. 75328

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 the City and County of San Francisco, )  
 a Municipal Corporation, to construct )  
 at grade across the tracks of the )  
 Western Pacific Railroad Company, )  
 18th Street, between Arkansas and )  
 Carolina Streets, a proposed public )  
 street in the City and County of )  
 San Francisco, California. )

Application No. 50762

ORDER MODIFYING CONDITION IN DECISION NO. 75306

By Decision No. 75306, dated February 11, 1969, the Commission authorized the City and County of San Francisco, applicant, to construct 13th Street at grade across the tracks of The Western Pacific Railroad Company in San Francisco, Crossing No. 4L-0.9, providing among other conditions that applicant shall bear entire expense of construction. Applicant has petitioned that the Commission modify Decision No. 75306 to provide for the cost of construction to be apportioned in accordance with an agreement between itself and the railroad. By letter, the railroad offers no objection to the modification.

IT IS ORDERED that the first sentence of the third paragraph on page one of Decision No. 75306, reading:

"Applicant shall bear entire expense of construction, also maintenance cost of the crossing outside of lines two feet outside of rails."

shall be hereby modified to read as follows:

"Construction expense shall be borne in accordance with an agreement between the parties or, if they fail to agree, by further order of the Commission. Maintenance cost outside of lines two feet outside of rails shall be borne by the applicant."

In all other respects Decision No. 75306 shall remain in full force and effect.

Dated at San Francisco, California, this 28<sup>th</sup> day of OCTOBER, 1969.

William J. ...  
President

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Commissioners