

Decision No. 76791

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 drill)
track at grade across Atlantic)
Street in the City of Union City,)
County of Alameda, State of)
California.)

Application No. 51555
(Filed December 16, 1969)

O R D E R

The Western Pacific Railroad Company is hereby authorized to construct a drill track at grade across Atlantic Street, in Union City, Alameda County, at the location described in the application, to be identified as Crossing No. 4-26.51-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.

The application includes Resolution No. 1108-69 of the City of Union City, passed and adopted November 24, 1969, 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 from the provisions of Section 22452 of the State Vehicle Code for the subject crossing under provisions of Decision No. 53035, dated August 13, 1959, in Case No. 5979. By Paragraph VII applicant alleges that the issue raised by

Paragraph 9 of said resolution falls within the expertise of the Commission and, therefore, makes no request for exempt status but offers no objection if such exempt status were granted for the subject crossing. The city has requested exempt status by Paragraph 9 of said resolution and applicant offers no objection to such exemption. The staff has investigated the matter and the request appears reasonable. The subject Crossing No. 4-26.51-C shall be declared exempt pursuant to the provisions of Decision No. 58885 in Case No. 5979 and will be added to the list of industrial or spur track crossings at which the installation of exempt signs is required by the next supplemental order in Case No. 5979.

Within thirty days after the 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 railroad has requested waiver of the twenty-day waiting period in order that the track work could be coordinated with other construction. The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 17th day of FEBRUARY, 1970.

William Lyons Jr.
President
Augustine
J. P. Subramanian
John P. ...
Norman L. ...
Commissioners