

ORIGINAL

Decision No. ~~77711~~ 77711

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

Application No. 52100 (Filed August 4, 1970)

ORDER

The Western Pacific Railroad Company is hereby authorized to construct two drill tracks at grade across Pacific Street in the City of Union City, Alameda County, at the locations described in the application, to be identified as Crossings Nos. 4-26.78-C and 4-26.92-C. Construction of said crossings 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 at each crossing 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. 1243-70 of the City of Union City, passed and adopted June 8, 1970 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 crossings under provisions of Decision No. 58885, dated August 18, 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 crossings. 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 Crossings Nos. 4-26.78-C and 4-26.92-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 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 has requested that an order authorizing the construction of the tracks as described become effective upon the date of its issuance. Applicant offers no argument for such waiver nor do conditions in the field support such request. The effective date of this order shall be twenty days after the date hereof.

Dated at Los Angeles, California, this 15th day of SEPTEMBER, 1970.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

J. B. [Signature] Chairman
William [Signature]
Vernon L. [Signature] Commissioners