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ORIGINAL

Decision No. 82055

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 cross-
over track at grade across Tenth Street
in the City of San Jose, County of
Santa Clara, State of California.

} Application No. 54218
(Filed August 2, 1973)
}

O P I N I O N

The Western Pacific Railroad Company requests authority to construct a crossover track at grade across Tenth Street in the City of San Jose. Notice of the application was published in the Commission's Daily Calendar on August 6, 1973. No protests have been received. A public hearing is not necessary.

FINDINGS AND CONCLUSIONS

The request is in the public interest and should be granted. The Western Pacific Railroad Company should be authorized to construct a crossover track across Tenth Street in the City of San Jose, County of Santa Clara, at the location and substantially as shown by plans attached to the application, identified as a portion of Crossing No. 4G-20.11-C.

Construction of the rail crossing should be equal or superior to Standard No. 1 of General Order No. 72-B with tops of rails flush with finished roadway.

Width of crossing construction measured at right angles to the street should conform to the existing graded roadway, including sidewalks. Finished grades of approach should be not greater than one percent within 100 feet of track as shown on the plan attached to the application.

Clearances, including any curbs, should conform to General Order No. 26-D. Walkways should conform to General Order No. 118.

Protection, governed by General Order No. 75-C, at the crossing should be two Standard No. 1R crossing signs.

Construction cost of the crossing, and maintenance cost of the crossing within lines two feet outside of rails, should be borne by the applicant.

Under Rule 17.1(m) (1) (A)6 of the Commission's Rules of Practice and Procedure, this project qualifies for a Class 1 exemption from the provisions of the California Environmental Quality Act of 1970, as amended.

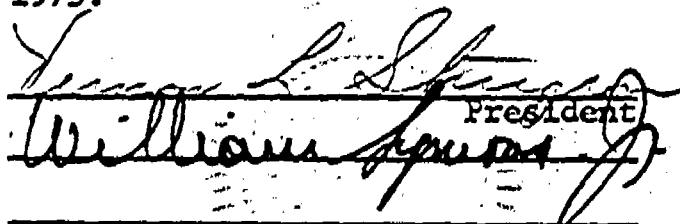
O R D E R

1. The application is granted conditioned on the findings and conclusions set forth above.

2. Within thirty days after completion, pursuant to this order, applicant shall so inform the Commission in writing. This authorization shall expire if not exercised within two years 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 effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of OCTOBER, 1973.



President



Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate

- 2 - in the disposition of this proceeding.