

ORIGINALDecision No. 40039

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the People of the State of California,)
 on relation of the Department of Public)
 Works, for an order authorizing the)
 abolition of a crossing at grade of the)
 State highway, Route 3, and the tracks)
 of the Southern Pacific Railroad at the)
 intersection of Tenth and E Streets, in)
 the City of Marysville, Yuba County,)
 California.)

Application No. 27962

FRANK B. DURKEE, for Applicant.

R. S. MYERS and E. J. FOULDS for Southern Pacific
Company, Protestant.JOHN E. HENNESSEY for Sacramento Northern Railway
and Western Pacific Railroad Company, Intervener
on behalf of the Protestants.O P I N I O N

In this application Department of Public Works of the State of California requested an order from this Commission requiring the abandonment of a crossing at grade with a track of Southern Pacific Company at the intersection of Tenth and E Streets in Marysville (Crossing C-142.65-C.) Public hearings were held on this application and following said hearings applicant and Southern Pacific Company have filed a stipulation relating to disputed parts of the matter.

The Department of Public Works is now constructing a State highway on a new route through the city of Marysville passing through the intersection of Tenth and E Streets, and the existing track across this intersection presented engineering problems which in applicant's opinion could best be solved by removal of the track. Southern Pacific Company protested such removal and at subsequent hearings presented evidence purporting to show that the engineering difficulties could be overcome and the track remain in place. The parties agreed to make further study and have now filed the stipulation referred to in which changes in the grade of State highway and

adjustment in the track of Southern Pacific Company are proposed and agreement is reached as to the cost of making the track changes. The solution proposed in this stipulation appears desirable and in the public interest, and the matter should be decided in accordance therewith.

O R D E R

The Department of Public Works, applicant in these proceedings, having requested that crossing No. C-142.65-C at the intersection of Tenth and E Streets, Marysville, be abolished by removal of a track of Southern Pacific Company, public hearings having been held, and parties having agreed by stipulation to a reasonable solution of the matter;

IT IS HEREBY ORDERED that the above entitled application, in so far as it requests abolition of the crossing, is hereby denied without prejudice and it is further ordered that the grades of the proposed State highway at this location and the elevation of the track of Southern Pacific Company be established and adjusted substantially in accordance with the modified plan shown on applicant's exhibit No. 8 filed on December 4, 1946. The cost of alteration of Southern Pacific Company's track, including the placing of ballast, renewal of ties, (but not renewal of rails,) placing of pavement within the track area, and erection or relocation of two Standard No. 1 crossing signs shall be borne by Southern Pacific Company. The maintenance of that portion of the crossing between lines two feet outside of rails of said track and of the warning signs shall be borne by Southern Pacific Company. All other costs in connection with said crossing shall be borne by applicant. All train movements over said crossing shall be protected against by a member of the train crew or other competent employee on the crossing acting as a flagman.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void 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. This order shall be effective twenty (20) days from the date hereof

Dated at San Francisco, California March 4 1947.

Harold Kull
Justice J. Casper
Just Kull
R. D. ...
Wm. H. Potter
COMMISSIONERS