

CONFIDENTIAL

Decision No. 43971

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Atwater, a Municipal Corporation, for an order authorizing the crossing of the Southern Pacific track where said track intersects the extension of Broadway in the City of Atwater.

Application No. 30124

SUPPLEMENTAL OPINION AND ORDER MODIFYING PRIOR DECISION AND DENYING REHEARING

On January 17, 1950, the Commission issued Decision No. 43704 in the above application, denying said application of the City of Atwater for authority to extend Broadway across an industrial spur track of Southern Pacific Company.

On February 9, 1950, the City of Atwater filed a petition for rehearing in respect to said decision.

Upon further consideration of the matters contained in said petition, we are of the opinion that said decision should be modified in order to clarify the evidence upon which said decision is based. We believe this purpose may be accomplished without a public hearing, and in our opinion no good cause has been shown by the applicant for the granting of a rehearing.

O R D E R

IT IS ACCORDINGLY ORDERED THAT:

- (1) The following language appearing in Decision No. 43704 be and the same is hereby stricken from said decision:

"We have given careful consideration to the facts disclosed by this record and have come to the conclusion that a street crossing at the location

here proposed is neither desirable nor necessary under existing conditions. The application will be denied."

(2) The following language be and the same is hereby substituted for the language ordered stricken in paragraph (1) above:

"It is clear from the evidence, including the maps and diagrams placed in the record, that a street crossing at Broadway would involve construction that is both complicated and costly. Even if the automatic signal protection were eliminated from the estimates, the cost of the street and track work, and structural relocations, would still come to about \$13,500. Moreover, the nature of the spur track installation, designed to eliminate switching movements over U.S. Highway 99, is such that many more movements take place in the area of the proposed street extension than the number of cars loaded therein would indicate. If Broadway were extended it would be necessary either to shove cars clear of the crossing or make crossing cuts so as not to block occasional vehicular traffic.

"A careful study of the maps, aided by physical inspection of both the proposed location and the terrain north of Broadway as far as Elm Avenue, considered in conjunction with the testimony concerning the complicated construction required at the Broadway site and the lack of evidence as to any substantial vehicular movement in the locality, all tend to indicate that the street crossing proposed in this application is neither necessary nor desirable under present conditions, and we so find."

(3) Decision No. 43704, as hereinabove modified, be and the same is hereby in all other respects affirmed.

(4) The applicant's petition for rehearing in respect to Decision No. 43704 be and the same is hereby denied.

Dated at San Francisco, California, this 21st

day of March, 1950.

R. E. Underwood
Justus F. Galloway
Leah F. Galloway
Harold H. Hill
Kenneth P. Potter

Commissioners