

ORIGINAL

Decision No. 45231

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 )  
 widening and construction of existing ) Application No. 30090  
 grade crossing of the State Highway, )  
 Route 75, and the tracks of the Sacramento )  
 Northern Railway, in Contra Costa County, )  
 State of California. )

George D. Moe, for Department of Public Works,  
 applicant.  
E. L. Van Dellen, for Sacramento Northern Railway.

O P I N I O N

In this application the Department of Public Works of the State of California (hereafter referred to as the State) requests authority to widen and reconstruct a crossing over State Highway, Route 75<sup>(1)</sup> and the tracks of the Sacramento Northern Railway (hereafter referred to as the Railway) in the City of Walnut Creek, Contra Costa County, and further requests this Commission to issue its order apportioning the costs of the work involved between the State and the Railway.

A public hearing was held in San Francisco on June 30, 1949, before Examiner R. K. Hunter and the matter was submitted on concurrent opening and reply briefs which have been filed. The officials of both the City of Walnut Creek and Contra Costa County were notified of the hearing but no one appeared on their behalf.

Following the hearing but prior to the filing of the

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(1) Legislative designation. Also known as State Highway 24.

briefs, at the request of the State, to which the Railway had no objection, the Commission issued an interim opinion and order in this proceeding being Decision No. 43118, dated July 12, 1949, authorizing the widening and reconstruction of the crossing involved but withholding for this opinion and order the apportionment of costs. .

The facts are undisputed. The present crossing (Public Utilities Commission Crossing No. 8-27.1) consists of two lanes of pavement with a total width of 18 feet. The State proposes to widen the highway from two lanes to four lanes with a total paved width of 46 feet with two-foot shoulders. The widening and reconstruction of this crossing is part of a state project which contemplates improving the highway from Orinda Junction on the west to Walnut Creek on the east making the entire length of this project a four-lane highway. In addition to the reconstruction and widening, it will be necessary to relocate the two existing wig-wag signals, which appear to be adequate, to locations outside the paved area in order to permit two lanes of vehicular traffic in both directions. It is also proposed to install guard rails at the crossing to retain the pavement and prevent any interference with the operation of the trains by keeping open a flangeway for the wheels of locomotives and railroad cars.

Subsequent to the hearing and the filing of briefs, to-wit, on January 2, 1951, a stipulation was filed signed by both the applicant and the Sacramento Northern Railway which referred to a general plan of apportioning costs of widening and reconstruction of grade crossings which was considered by the representatives of this Commission, the Department of Public Works of

the State of California and of the four major steam railroads operating in this State, which plan is dated August 28, 1950. Both the applicant and the Sacramento Northern in said stipulation have agreed that the cost of widening and reconstruction of the said grade crossing involved in this proceeding may be made on the basis of said plan.

The order will so provide.

O R D E R

A public hearing having been held, briefs having been filed and based upon the evidence adduced and the stipulation filed January 2, 1951,

IT IS ORDERED that the cost of improving and widening the crossing of State Highway Route 75 with the tracks of the Sacramento Northern Railway in the City of Walnut Creek, Contra Costa County, California, (Crossing No. 8-27.1) shall be apportioned as follows:

1. The Sacramento Northern Railway shall bear the cost of all work involving the improvement of the track and its roadbed, including the cost of installing guard rails and preparing the area within the track and within lines two feet outside of the rails for the reception of the pavement also including the replacement of ties, rail and ballast, and further, shall be responsible for the cost of the maintenance of said area after the crossing has been paved and completed.

2. The State of California (The Department of Public Works) shall bear the cost of relocating the existing protective devices and the paving of the crossing made necessary by the alterations

and reconstruction thereof and shall be responsible for the maintenance of the area outside of lines two feet outside of the rails.

3. The cost of any other incidental expense not herein specifically provided for shall be apportioned between the Sacramento Northern Railway and the Department of Public Works of the State of California pursuant to the provisions of the agreement dated August 28, 1950, referred to in the stipulation filed January 2, 1951.

The effective date of this order shall be twenty (20) days after the date hereof.

Dated at Los Angeles, California, this 20th day of January, 1951.

R. F. Zimmerman  
Justice F. Cameron  
Harold P. Huls  
Herbert P. Potter

COMMISSIONERS