

ORIGINAL

Decision No. 56446

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 the CITY OF WALNUT CREEK, State of )  
 California, for permission to alter )  
 the public highway crossing at )  
 grade across the right of way and )  
 track of the Southern Pacific Rail- )  
 road at its intersection with Mt. )  
 Diablo Blvd. (Walker Avenue) in )  
 Contra Costa County, California. )

Application No. 39111

John Nejedly, for applicant.  
Randolph Karr and Harold S. Lentz, for  
 Southern Pacific Company, interested parties.  
Martin J. Lewis, for the Commission staff.

O P I N I O N

By this application filed June 3, 1957, the City of Walnut Creek requests an order authorizing it to alter, by widening and realigning, Mt. Diablo Boulevard presently known as Walker Avenue in said City where it crosses the tracks of Southern Pacific Company at grade. It is further alleged that the present protection consisting of two reflectorized advance warning signs, "RXR" painted on the roadway on either side of the tracks and two Standard No. 1 crossing signs as defined in General Order No. 75-B, are adequate since the proposed construction will not increase traffic hazards at this crossing.

Public hearing was held in Walnut Creek on February 6, 1958, before Examiner Rowe, at which time evidence both oral and documentary, was adduced and the matter duly submitted for decision.

From evidence of record the Commission finds that the proposed widening and realignment of the public street at crossing will not have the effect of materially increasing vehicular traffic and

that the removal as intended by the railroad of one spur track will reduce rail traffic substantially at this point. Although the staff recommended the installation of two Standard No. 8 flashing light signals, this recommendation was not based upon any determination that the proposed construction would tend to increase traffic hazards. The Commission is of the opinion and finds that public convenience and necessity require the proposed improvements which will be authorized. Counsel for Southern Pacific Company stipulated that the Commission order could properly require the removal of the spur track from the crossing, the cost of such removal to remain a matter for negotiation with the City.

O R D E R

Public hearing having been held on the above-numbered application and the Commission being fully advised,

IT IS ORDERED:

(1) That the City of Walnut Creek is authorized to alter and widen Walker Avenue (Mt. Diablo Boulevard) at grade across tracks of Southern Pacific Company in the City of Walnut Creek, Contra Costa County, at the location described in the application identified as Crossing No. BO-48.1. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost between such lines. Width of crossing shall be substantially as shown in the application with grades of approach not greater than three per cent. Construction shall be equal, or superior, to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B), reflectorized with reflex-reflective sheet material.

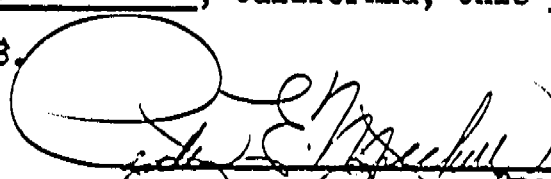
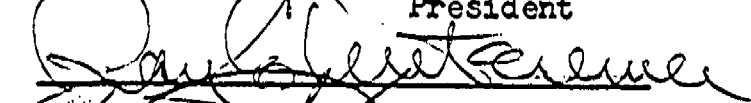

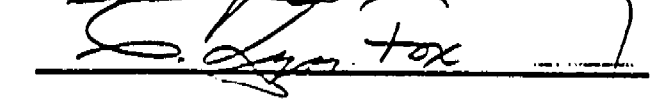
(2) That within ninety days after the effective date hereof Southern Pacific Company shall remove its spur track from said grade crossing area. The cost of such removal shall be borne by said company and by said City as they may agree, provided, however, if said parties fail to agree upon the division of said costs either may apply to this Commission for a determination thereof.

(3) That 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.

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

Dated at San Francisco, California, this 1<sup>st</sup> day of APRIL, 1958.

  
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President  
  
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Commissioners