

ORIGINAL

Decision No. 65026

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of the CITY OF ESCALON, a municipi-)	
pal corporation, acting through)	
its City Council, for permission)	Application No. 44869
to extend and construct "Oklahoma)	Filed October 17, 1962
Avenue" at grade across the)	
TIDEWATER SOUTHERN RAILWAY COM-)	
PANY, a corporation.)	

Leo Milich, for applicant.
Walter G. Treanor, for Tidewater Southern
 Railway Company, protestant.
Martin J. Lewis, for the Commission staff.

O P I N I O N

This application was heard before Examiner Rowe, at Escalon, on January 30, 1963, and then duly submitted. Notice of hearing was duly posted and published as required by the Commission. Tidewater Southern Railway Company is the only protestant.

Applicant introduced evidence to show that the proposed crossing is required by public convenience and necessity. Protestant produced evidence tending to show that an additional crossing in this area would increase the hazards to public safety. It was also claimed that the crossing of the tracks by Oklahoma Avenue which is located approximately 200 feet from the end of a curve would be unusually dangerous.

The staff, however, stated that it was not opposed to the application upon condition that the present grade crossing of these tracks by Walnut Street be effectively closed to traffic.

From the evidence of record the Commission finds that public convenience and necessity require that applicant be authorized

to open Oklahoma Avenue across the track of protestant. Public safety, however, is found to require that contemporaneously with the opening at grade of this crossing the nearby grade crossing of Walnut Street be effectively barricaded to vehicular traffic. The Commission further finds that traffic and other safety conditions in this area require the installation of two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material.

O R D E R

IT IS ORDERED that the City of Escalon is hereby authorized to construct Oklahoma Avenue at grade across the tracks of the Tidewater Southern Railway Company, at the location described in the application to be identified as Crossing No. 75-17.7. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Tidewater Southern Railway Company shall bear maintenance cost between such lines. Width of crossing shall be not less than forty feet and grades of approach not greater than 2 percent. 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.

IT IS FURTHER ORDERED that upon completion of Oklahoma Avenue Crossing No. 75-17.7, a public grade crossing at Walnut Street, Crossing No. 75-17.4 shall be abolished by physical closing by railroad.

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 6th day of March, 1963.

George T. Hoover
 President

Walter R. Long

Frederic B. Hillhoff

William W. Bennett

 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.