

ORIGINAL

Decision No. 65394

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for authority
to construct at grade a railroad track
upon and across an alley located be-
tween Atchison and Kroeger Streets
south of Broadway Street, in the City
of Anaheim, County of Orange, State of
California.

Application No. 45281

O R D E R

Southern Pacific Company is hereby authorized to construct a track at grade across an alley located between Atchison and Kroeger Streets, south of Broadway Street, in the City of Anaheim, Orange County, at the location described in the application, to be identified as Crossing No. BK-510.65-CD. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, and of a width of 20 feet with tops of rails flush with the roadway and with grades of approach not exceeding one percent, in accordance with plan attached to the application. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material. Applicant shall bear entire construction and maintenance expense.

The application includes Resolution No. 63R-39 of the City Council of Anaheim, adopted January 8, 1963, granting permission to the Southern Pacific Company to construct the track in question. The resolution contains a clause to the effect that any costs for crossing protection that may become necessary will be borne by the

Southern Pacific Company. The Southern Pacific Company alleges that such a clause is void because the subject matter is within the exclusive jurisdiction of this Commission pursuant to Section 1202(a) and 1219 of the Public Utilities Code.

Inasmuch as no special safety devices are necessary at the crossing at this time, the Commission will not pass upon the issue raised by the applicant concerning Resolution No. 63R-39 in this decision.

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 14th day of May, 1963.

George L. Traver
President

Fredrick B. Holhoff
William W. Bennett

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.