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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an order
authorizing the construction at grade
of a track across County Line Road near
the Town of Jovista, Counties of Kern
and Tulare, State of California, and a
track across Bassett Avenue near Jovista
in the County of Kern, State of California.)

Application No. 45269

O R D E R

Southern Pacific Company is hereby authorized to construct a spur track at grade across County Line Road lying jointly in Tulare and Kern Counties, and Bassett Avenue in Kern County, near Jovista, at the locations described in the application, to be identified as Crossings Nos. ECB 300.1-C and ECB 300.6-C, respectively. Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width to conform to the portion of the road and avenue now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection at Crossing No. ECB 300.1-C, County Line Road, shall be by two Standard No. 8 crossing signals (General Order No. 75-B) equipped with reflectorized "STOP ON RED SIGNAL" signs. Protection at Crossing No. ECB 300.6-C, Bassett Avenue, shall be by two Standard No. 1 crossing signs reflectorized with reflex-reflective sheet material. Applicant shall bear entire construction and maintenance expense.

The application includes a Resolution of the Kern County Board of Supervisors adopted January 29, 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 Sections 1202 (a) and 1219 of the Public Utilities Code.

Inasmuch as no special safety devices are necessary at the Bassett Avenue crossing at this time, the Commission will not pass upon the issue raised by the applicant concerning the Resolution of the Kern County Board of Supervisors adopted January 29, 1963 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.

Applicant has advised that industry to be served desires early rail service and has requested immediate authorization.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 18th
day of JUNE, 1963.

George H. Hoover
President
Frederick B. Hildehoff
William M. Berenda
Commissioners