

Decision No. 66068**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, use
and protection of the following
crossing of SOUTHERN PACIFIC COMPANY
in or near the City of Fresno, County
of Fresno: Crossing No. BA-206.9,
Thorne Avenue.

Case No. 7463

Randolph Karr and H. S. Lentz, for Southern Pacific
Company; Floyd R. B. Viau, for the County of
Fresno; and Raymond E. Ott, for the City of
Fremont, respondents.

Walter G. Treanor, for The Western Pacific Railroad
Co., intervenor.

M. W. Vorkink, for Union Pacific Railroad Co.;
Thomas M. O'Connor, Orville Wright and Robert R.
Laughead, for City and County of San Francisco;
George D. Moe and Warren P. Marsden, for the
State of California, Department of Public Works,
interested parties.

Richard D. Gravelle and Lawrence Q. Garcia, for
the Commission staff.

INTERIM OPINION AND ORDER

On October 16, 1962, the Commission instituted an investi-
gation for the purpose of inquiring into safety and various related
matters at the Thorne Avenue Crossing with the tracks of the
Southern Pacific Company in the County of Fresno. Public hearing
was held before Examiner Daly at San Francisco. The matter was
consolidated with Case No. 7464, which is a Commission investigation
into the protection of Southern Pacific Company and The Western
Pacific Railroad crossings at Prune Avenue and Warren Avenue in the
City of Fremont. Both matters were submitted on April 4, 1963, upon
the receipt of concurrent opening briefs due 45 days after receipt of
transcript and concurrent reply briefs due 35 days thereafter. An

interim decision ordering improved crossing protection at Prune Avenue and Warren Avenue has heretofore been issued.^{1/} The primary issue in both matters is the question of the apportionment of maintenance costs. Because of pending legislation, which might have resolved the issue, the time for the filing of briefs was extended to commence on July 29, 1963. Accordingly, upon the receipt of the aforesaid briefs, the issue of apportionment of maintenance costs will be taken under submission and determined in a subsequent decision.

During the course of the consolidated hearing, staff counsel made a motion that an interim order be issued in Case No. 7463 ordering the installation of additional protection at the Thorne Avenue Crossing pending the determination of the maintenance costs.

The Thorne crossing is located a short distance outside the city limits of Fresno about 1½ miles northwest of the Fresno business center. The crossing consists of three tracks and the present protection consists of two Standard No. 1 crossing signs. Daily train traffic is approximately ten per day, including two passenger trains. The staff recommends that the crossing be protected by two Standard No. 8 flashing light signals.

After consideration the Commission finds that public convenience and necessity and safety require that the Southern Pacific Company tracks at Thorne Avenue (Crossing No. BA-206.9) in the County of Fresno be further protected by the installation and construction of a total of two Standard No. 8 flashing light signals as provided for in the following order.

^{1/} Decision No. 64942, dated February 13, 1963.

IT IS ORDERED that:

1. The Thorne Avenue grade crossing of Southern Pacific Company (BA-206.9) in the County of Fresno be further protected by the installation and construction of two Standard No. 8 flashing light signals.

2. The acquisition and construction of the flashing light signals heretofore described in ordering paragraph 1 hereof shall be effected by the Southern Pacific Company within six months after the effective date of this order.

3. The costs for installing and constructing the signals set forth in ordering paragraph 1 hereof shall be apportioned on the basis of fifty percent to be paid by the County of Fresno and fifty percent to be paid by the Southern Pacific Company.

4. Within thirty days after completion of work pursuant to this order, respondents shall so advise this Commission in writing.

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

Dated at San Francisco, California, this 24th day of SEPTEMBER, 1963.

William M. Burns
President

George L. Trover

Frederick B. Hallock
Commissioners