

**ORIGINAL**

Decision No. 66131

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operations, use and protection of crossings at grade with public highways and streets and the lines of the Southern Pacific Company in the City of Red Bluff, State of California.

Case No. 6527

In the Matter of the Application of the City of Red Bluff for the recognition and continuance in use of an existing Walton Avenue Crossing over the tracks of the Southern Pacific Company under the provisions of Sections 1201 - 1205 of the Public Utilities Code.

Application No. 40976

ORDER AMENDING DECISION  
NO. 65811 AND DENYING REHEARING

Decision No. 65811 was issued on July 30, 1963 and a Petition for Rehearing and Request For Oral Argument Before The Full Commission was filed by the Southern Pacific Company on August 16, 1963.

The Commission having considered said petition and each and every allegation therein, and being of the opinion that good cause for rehearing and oral argument has not been made to appear, and further being of the opinion that said Decision should be amended in certain respects,

IT IS ORDERED that said petition is hereby denied.

IT IS FURTHER ORDERED that said Decision No. 65811 is amended as follows:

1. That finding No. 2 of Decision No. 65811 is deleted and the following substituted in its place:

2. Walton Avenue is a publicly used crossing and apparently has been so used for a number of years. This Commission has previously determined that the lack of dedication, formal or implied, is not a bar to the exercise of the jurisdiction given it by Section 1202. (See Pacific Electric Ry. Co., 24th Street, Los Angeles, Case No. 7270, Decision No. 64579, November 27, 1962; also, Millergrrove Avenue Crossing, County of Los Angeles, Case No. 5673, Decision No. 53162, petition for writ of review denied by California Supreme Court in County of Los Angeles v. P.U.C., S. F. No. 19574 and A.T.S.F. Ry. Co. v. P.U.C., S.F. No. 19602.)

2. That finding No. 3 of Decision No. 65811 is deleted and the following substituted in its place:

3. The crossings at Pine, Union and Hickory Streets which we find to be dangerous to public health, safety, convenience and necessity should be closed, since their function will be performed by the adequately protected crossings which are to remain open; and proper automatic signal protection should be provided at the crossings of Cedar, Crittenden and Breckenridge Streets. Public safety, health, convenience and necessity further require that Walton Avenue be designated a publicly used crossing, that it be widened to 28 feet and that it be provided with proper automatic signal protection. The expense of closing, altering, improving and widening these crossings and the cost of additional safety protection for said crossings should be shared by the Southern Pacific Company and the City of Red Bluff as provided in the following paragraphs.

3. That conclusion No. 2 of Decision No. 65811 is deleted and the following substituted in its place:

2. The crossings at Oak, Walnut, Cedar, Crittenden and Breckenridge should remain in operation and the crossings at Cedar, Crittenden and Breckenridge should have improved automatic warning signals. The individual crossings should be improved as follows:

<u>Crossing</u>	<u>Improvements</u>
Oak Street	Railroad and City to combine to rebuild and level crossing. Install guard rail on main line.
Walnut Street	No recommendations. Two No. 5 Flashing Light Signals presently installed are adequate.
Cedar Street	Install two No. 8 Flashing Light Signals. Install guard rail on main line.
Crittenden Street Breckenridge Street	(Remove present signals. Railroad and City to widen crossings (to conform to width of streets. (Install two No. 8 Flashing Light Signals at each crossing.

4. That ordering paragraph 6 of Decision No. 65811 is deleted and the following substituted in its place:

6. The crossing of Walton Avenue (No. MP-224.4) with the track of the Southern Pacific Company in the City of Red Bluff shall be designated as a publicly used crossing and identified as No. C-224.4. It shall be improved by widening the crossing to a minimum of 28 feet, by installing guard rails on both tracks, by erecting advance warning signs on the western approach to the crossing, and by the installation and construction of two Standard No. 3 flashing light signals, being the type shown in General Order No. 75-B equipped with reflectorized "Stop on Red Signal" signs. The Southern Pacific Company shall install the

flashing light signals and guard rails and will widen the crossing with the City of Red Bluff as provided. The City of Red Bluff will erect the advance warning signs, pave the crossing and negotiate with the State Division of Highways regarding widening the highway at the point it intersects Walton Avenue.

5. That ordering paragraph 7 of Decision No. 65811 is deleted and the following substituted in its place:

7. The costs of acquiring and constructing the flashing light signals on the four crossings shall be borne as follows: 50 percent by Southern Pacific Company and 50 percent by the City of Red Bluff. The cost of maintaining said flashing light signals shall be borne 100 percent by the Southern Pacific Company; and the cost of widening the Crittenden, Breckenridge and Walton crossings shall be borne as follows: the cost of preparing the tracks and roadbed to receive the pavement within lines two feet outside of outside rails shall be borne by the railroad. All other costs of widening the crossing, including the paving thereof, shall be borne by the City of Red Bluff. The Southern Pacific Company will also be charged with the cost of installing the guard rails on the tracks.

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

Dated at San Francisco, California, this 4th day of OCTOBER, 1963.

William W. Stewart  
President

Robert E. [unclear]  
Everett [unclear]

\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

We concur, subject to the views on apportionment of maintenance expense which we expressed when Decision 65811 was issued.

George T. Grever  
Friedrich B. Holhoff