

# ORIGINAL

Decision No. 67324

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 spur track in, upon and across Butler Road, in the City of South San Francisco, County of San Mateo, State of California.

Application No. 46663

## ORDER

Southern Pacific Company is hereby authorized to construct a spur track at grade across Butler Road in the City of South San Francisco, San Mateo County, at the location described in the application, to be identified as Crossing No. E-9.48-C. Construction of said crossing 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 now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one per cent. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) equipped with reflex-reflective sheet material. Applicant shall bear entire construction and maintenance expense.

The application includes Resolution No. 3907 of the City of South San Francisco, adopted April 27, 1964, 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 the aforesaid Resolution No. 3907 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.

A representative of the industry to be served states that immediate rail connection is necessary to deliver shipments to the new facility. The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of June, 1964.

Alexander Bernick  
President

George H. Driver

Frederick B. Hallock  
Commissioners