

ORIGINALDecision No. 67618

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 an industrial track across) Application No. 46614
 Cottonwood Lane, near rail station of)
 Florin, in the County of Sacramento,)
 State of California.)

O R D E R

Southern Pacific Company is hereby authorized to construct a spur track at grade across Cottonwood Lane near Florin, Sacramento County, at the location described in the application, to be identified as Crossing No. D-127.8-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 two percent. 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. 64-64 of the Sacramento County Board of Supervisors passed and adopted January 15, 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 Sections 1202 (a) and 1219 of the Public Utilities Code.

Inasmuch as no special safety devices are necessary at the Cottonwood Lane crossing at this time, the Commission will not pass upon the issue raised by the applicant concerning Resolution No. 64-64 of the Sacramento County Board of Supervisors 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 28th day of July, 1964.

Fredrick B. Halbluff
President

[Signature]

Carol W. Feag

George G. Hoover

William A. Bennett
Commissioners