

ORIGINAL

Decision No. 68216

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of County of Monterey) to reconstruct Grade Crossing) No. E-133.9, Corda County Road,) across right of way of the) Southern Pacific Railroad Company.)	Application No. 45058 Filed December 24, 1962
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Application of County of Monterey) to relocate Grade Crossing No.) E-111.5, Espinosa Road, across) the right of way of the Southern) Pacific Railroad Company.)	Application No. 45785 Filed September 18, 1963
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Willis H. Mevils, for applicant.
Harold S. Lentz, for Southern Pacific
Company, respondent.
William L. Oliver, for the Commission
staff.

O P I N I O N

Application No. 45058 was filed on December 24, 1962 and authority to reconstruct the Corda Road crossing was granted by Decision No. 66161, dated October 15, 1963. Application No. 45785 was filed on September 18, 1963 and the authority to relocate the crossing therein concerned was granted by Decision No. 66929, dated March 10, 1964. The decisions provided that construction expense would be apportioned by agreement of the parties, or if necessary, by further order of the Commission. The parties being unable to reach an agreement, the matters were reopened and consolidated for hearing by Commission order dated August 4, 1964. A hearing was held on August 26, 1964, in Salinas, before Examiner Fraser and the matters were submitted.

It was stipulated with regard to Application No. 45058, that the Southern Pacific Company (railroad) would furnish the necessary

materials and perform the actual work of constructing the crossing; the construction cost would be borne by the railroad, within the limits of the existing crossing, and by the County of Monterey (county) on the portion of the reconstructed crossing which extends beyond the limits of the original crossing; the railroad would maintain that portion of the crossing which is located between lines drawn two feet outside of the rails and the county would maintain the crossing outside of these lines.

Respecting the relocated Espinosa Road crossing, which is 150 feet from the old crossing as shown on the map attached to Application No. 45785, it was stipulated that the railroad would prepare the track and install the timber deck at the new crossing and that the entire construction cost would be borne by the county; the maintenance cost of the crossing, excluding the automatic signals, would be borne by the parties in the same manner as on the Corda Road crossing. It was further stipulated that the county would physically close the old crossing and remove that portion of the old crossing which is located two or more feet outside of the rails and that the railroad would remove the pavement and guard rail located within the two-feet-outside-of-rails boundary; the entire cost of closing the old crossing would be borne by the county.

It was further stipulated that the county would install the pavement, curbs, gutters, drainage facilities, advance warning signs and other highway appurtenances necessary on the approaches to the crossings and that the cost of installing and maintaining these items would be borne by the county; it was also further stipulated that No. 8 Flashing Light Signals would be installed at each crossing by the railroad, which would furnish all of the necessary tools, material and labor and would also install the necessary operating circuits for the signals; the cost of installing the No. 8

Flashing Light Signals and the operating circuits at each crossing would be borne 50 percent by the railroad and 50 percent by the county.

The railroad was precluded from presenting evidence to show the cost of maintaining the automatic warning signals at railroad crossings because of the Commission ruling in Decision No. 66881, dated February 25, 1964, in Cases Nos. 7463 and 7464 (62 Cal.P.U.C. 409, 413), which provides that the entire cost of maintaining protective devices be borne exclusively by the railroad and that the Commission will not consider evidence or argument to the contrary in any proceeding involving that subject.

After consideration the Commission finds as follows:

1. The reconstruction of Crossing No. E-133.9, Corda County Road, and the relocation of Crossing No. E-111.5, Espinosa Road, as proposed by the County of Monterey, are practicable and are required by public safety and convenience.
2. After the Espinosa Road crossing is relocated the old crossing will no longer be required and should be closed.
3. The construction and cost of relocating and reconstructing the crossings should be in accord with the stipulation of the parties.
4. The public interest places upon the railroads the duty to maintain protection at crossings and pay the entire cost of the same.

The Commission concludes that the applications in pursuance of the above findings should be granted as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. County of Monterey is hereby authorized to reconstruct the crossing of Corda Road at grade with tracks of Southern Pacific Company, Crossing No. E-133.9, near Gonzales, Monterey County, as described and substantially as shown in Application No. 45058. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 Flashing Light Signals (General Order No. 75-B).

2. County of Monterey is hereby authorized to relocate the crossing of Espinosa Road at grade with the main line track of Southern Pacific Company, Crossing No. E-111.5 near Salinas, Monterey County, as described and substantially as shown in the application. Width of crossing shall be not less than 24 feet and grades of approach shall be not greater than that shown in the application. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 Flashing Light Signals (General Order No. 75-B). The relocated crossing will be identified as No. E-111.6.

3. The work to be performed and the cost to be borne on the construction of the crossings, the installation of automatic protection and the closing of the old Espinosa Road crossing, along with the cost of maintaining the crossings, will be apportioned according to the stipulation of the parties herein.

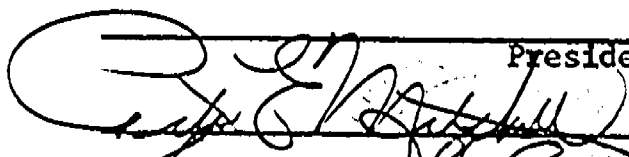
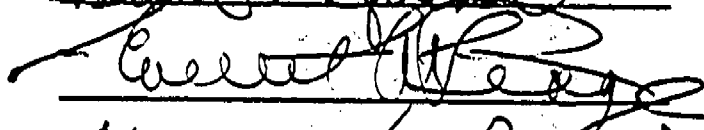
4. The maintenance costs for automatic protection installed at the crossings herein considered shall be borne by the Southern Pacific Company.


5. Decision No. 66161, dated October 15, 1963, in Application No. 45058 and Decision No. 66929, dated March 10, 1964, in Application No. 45785 are hereby rescinded.

6. Within thirty days after completion of each crossing 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 10th day of NOVEMBER, 1964.


 _____ President




 _____ Commissioners

We concur as to Findings 1, 2 and 3 and as to Ordering Paragraphs 1, 2, 3, 5 and 6. We dissent as to Finding 4 and Ordering Paragraph 4.

*George H. Grover
Frederick B. Hallock*