

Decision No. 69089

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 THE COUNTY OF PLACER, a political )  
 entity of the State of California, )  
 for the construction of a grade )  
 separation structure, at the )  
 Southern Pacific Company railroad )  
 tracks one and one-half (1-1/2) )  
 miles south of Whitney Crossing )  
 in the County of Placer, State of )  
 California, at Southern Pacific )  
 Company Milepost 111.69. )

Application No. 46243, Amended

Richard V. Smith, County Counsel, John Maccoun,  
 Director of Public Works and William E. Hamouz,  
 Senior Engineer, for County of Placer, applicant.

Harold S. Lentz, for Southern Pacific Company and  
 Southern Pacific Pipe Lines, Inc., respondents.

George D. Moe and Melvin R. Dykman, for State of  
 California, Department of Public Works,  
 interested party.

James K. Gibson and Martin Lewis, for the Commission  
 staff.

O P I N I O N

The County of Placer, by a motion filed April 14, 1965,  
 supplemented by a filing on April 20, 1965, moved to set aside sub-  
 mission of this proceeding and to amend further its original applica-  
 tion, filed February 28, 1964, to request that it now be authorized  
 to construct a grade separation structure over Southern Pacific  
 Company trackage between Roseville and Lincoln, at Milepost 111.69  
 (Sunset City), at the County's sole expense, in lieu of its earlier  
 proposal, which was heard before Examiner Gregory at Auburn on  
 September 2 and 3, 1964 and submitted December 7, 1964 with the  
 filing of closing briefs.

The County, by its amended request, states that: circumstances have arisen since the hearing which require immediate construction of the overpass at Milepost 111.69; construction funds will be obtained under the Municipal Improvement Act of 1913 and the Improvement Act of 1911, with the result that the County will not request a contribution of funds from the State of California \$5 Million Grade Separation Fund; the County will not close or consent to the closing of an existing grade crossing at Pleasant Grove Road, Milepost C-113.2, located one and one-half miles north of the proposed overpass, thus bringing the application within the provisions of Section 1202.5(a) of the Public Utilities Code, which require a public agency that initiates a grade separation project to bear the entire cost thereof if it will not result in the elimination of an existing grade crossing "located at or within a reasonable distance from the point of crossing of the grade separation"; the County will use the approved plans and specifications for construction of the overpass as shown in Exhibit 3 received in evidence at the hearing; the county asks that its current proposals be treated as an amended application and that the requested authority be granted without a further hearing.

The amended proposal appears to remove controversial issues in the original project, discussed in the briefs, which had to do with conditional elimination of the existing Pleasant Grove Road grade crossing and with the question of contribution to the cost of the project by Southern Pacific Company and the State of California.<sup>1/</sup>

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<sup>1/</sup> Both Southern Pacific and the State Department of Public Works also had objected, on the basis of the County's original proposal, to inclusion of Pleasant Grove Road in the Priority List of Grade Separation Projects or Alterations - 1965, designated by the Commission pursuant to Section 189, Streets and Highways Code; see Decision No. 68345, December 15, 1964, Case No. 7979. The operative effect of that decision as to Pleasant Grove Road, assigned Priority No. 16, was stayed on January 19, 1965, pending further Commission order.

We find that:

1. The application herein, as amended, contemplates the construction by the County of Placer of a grade separation structure over tracks of the Southern Pacific Company at Milepost 111.69, between the Cities of Roseville and Lincoln, in Placer County, California, in substantial accordance with plans and specifications set forth in Exhibit 8 of the record of this proceeding.

2. The proposed grade separation project will not result in the elimination of an existing grade crossing at Pleasant Grove Road, at Milepost C-113.2, located approximately one and one-half miles north of the proposed grade separation structure. Accordingly, the County of Placer is required to pay the entire cost of construction of the grade separation proposed herein, pursuant to the provisions of Section 1202.5(a) of the Public Utilities Code.

3. Construction of the grade separation, as proposed by the amended application herein, is not adverse to the public interest.

4. A further public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. The order of submission heretofore made herein on September 3, 1964 is hereby vacated and set aside.

2. The County of Placer is hereby authorized, at its sole cost, to construct a separation of grades at Milepost 111.69 with the tracks of Southern Pacific Company between the Cities of Roseville and Lincoln, in Placer County, California, substantially in accordance with plans and specifications comprising Exhibit 8 in evidence in this proceeding, which plans and specifications are hereby approved.

3. Upon completion of the construction of said grade separation, the cost of maintenance thereof shall be borne by the County of Placer.

4. The grade separation structure authorized herein shall be constructed with clearances conforming to the provisions of General Order No. 26-D of this Commission.

5. The separation authorized herein shall be identified as Crossing No. C-111.7-A.

6. The authorization herein granted shall expire if not exercised within three years after the date hereof unless further time is granted by subsequent order.

7. Within thirty days after completion of the proposed structure the County of Placer and the Southern Pacific Company each shall notify this Commission in writing of that fact and of compliance with the conditions herein.

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

Dated at Los Angeles, California, this 18<sup>th</sup> day of MAY, 1965.

Fredrick B. Holdhoff President  
George D. Crowder  
Augusta  
 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.