

ORIGINAL

Decision No. 69562

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 operation and mainten-
ance at grade of an industrial track
across Worthley Drive and Baumann
Avenue in the County of Alameda, State
of California.

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) Application No. 47755
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O R D E R

Southern Pacific Company is hereby authorized to construct an industrial track at grade across Worthley Drive and Baumann Avenue near San Lorenzo in Alameda County, at the locations described in the application, to be identified as follows:

<u>Location</u>	<u>Crossing No.</u>
Worthley Drive	L-19.1-C
Baumann Avenue	L-19.3-C

Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation. Width of each crossing shall be not less than 42 feet, with tops of rails flush with the roadway and with grades of approach not exceeding two percent. Protection at each crossing 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 a certified copy of an encroachment permit issued by the County Surveyor and Road Commissioner of Alameda County dated May 13, 1965, granting permission to Southern Pacific Company to construct the subject track. The permit contains a clause to the effect that all work, including the installation and maintenance of crossing protection devices shall be at the sole

expense of Southern Pacific Company. 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.

As no special safety devices are necessary at the Worthley Drive and Baumann Avenue crossings at this time, the Commission will not pass upon the issue raised by the applicant concerning the encroachment permit issued by the County Surveyor and Road Commissioner of Alameda County 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 17th day of AUGUST, 1965.

Frederick B. Holshoff
President
George L. Fowler
Auguston
William G. Bennett
Commissioners