

ORIGINAL

Decision No. 70171

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF ST. HELENA)
 for a grade crossing over the)
 Rutherford to St. Helena Line of)
 the Southern Pacific Railroad at)
 a point 920 south of Dowdell Lane)
 and 830 north of Sulphur Springs)
 Avenue.)

Application No. 47624
 Filed May 27, 1965

Richard H. Hargrove and Walter Glenn Shaw,
 for applicant.
Harold S. Lentz, for Southern Pacific Com-
 pany, respondent.
William L. Oliver, for the Commission staff.

O P I N I O N

Public hearing in this matter was held before Examiner Mallory at San Francisco on November 15, 1965. The matter was submitted on November 26, 1965, 10 days after receipt of the transcript, in order to give the parties opportunity to file corrections in the stipulation reached at the hearing.

Applicant, in a letter dated October 14, 1965 (Item A herein), represented to the Commission that it desired to open the sought crossing as soon as possible but, as agreement could not be reached between applicant and Southern Pacific Company (railroad) as to apportionment of costs of construction and maintenance, applicant desired to proceed under the provisions of Section 1202.1 of the Public Utilities Code. Thereupon the matter was scheduled for hearing.

1. The opening of a public crossing at approximately milepost 86.49 on the Calistoga branch of the Southern Pacific Company is to be authorized.

2. Said crossing is to be of a minimum of 40 feet in width and with a maximum approach grade of 6 percent.

3. The crossing is to be protected with two Standard No. 8 (General Order No. 75-B) flashing light signals.

4. One hundred percent of the construction costs of the crossing and of the automatic protective devices are to be borne by applicant.

5. Railroad will maintain the pavement within two feet outside the rails and will physically maintain the automatic grade crossing protection.

6. Applicant will bear 100 percent of the cost of maintaining the automatic grade crossing protection devices in accordance with, and pursuant to, Section 1202.2 of the Public Utilities Code.

7. The private crossing at approximately milepost 86.46 is to be physically closed and barricaded within 90 days after the opening of the public crossing involved in the application herein.

A representative of the user of the private crossing agreed to the closing of said crossing as set forth in the above stipulation. The Commission staff representative indicated concurrence with crossing protective devices to be installed.

By letter dated November 19, 1965 (Item B herein), applicant's attorney requested that paragraph 7 of the above stipulation be amended to read as follows: "That the private crossing at approximately milepost 86.46 is to be abandoned and removed within 90 days after opening of the public crossing." Such amendment assertedly eliminates the necessity of establishing a barricade. By letter dated November 24, 1965 (Item C herein), railroad informed the Commission it has no objection to this change.

In the circumstances, the Commission finds that public convenience and safety require the construction of the proposed

public grade crossing and that, following completion of said crossing, public safety requires the closing of the adjacent private crossing. The Commission concludes that the application should be granted subject to the conditions set out in the order which follows.

O R D E R

IT IS ORDERED that:

1. City of St. Helena is hereby authorized to construct Lewelling Avenue at grade across the track of the Southern Pacific Company, at the location described in the application, to be identified as Crossing No. AB-86.5, in the City of St. Helena.
2. Applicant shall bear entire construction expense, also maintenance cost of the crossing outside of lines two feet outside of rails. The Southern Pacific Company shall bear maintenance cost of the crossing between such lines.
3. Width of the crossing shall be not less than 40 feet and grades of approach not greater than six percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 (General Order No. 75-B) flashing light signals. The maintenance costs for said automatic protective devices shall be divided in the same proportion as the cost of construction has been apportioned herein, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
4. 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.

5. Within 90 days after opening of the crossing authorized in ordering paragraph 1 hereof, Southern Pacific Company shall cause the adjacent private crossing located at milepost 86.46 to be abandoned and physically removed.

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

Dated at San Francisco, California, this 14th day of JANUARY, 1966.

Frederick B. Holliff
President

Robert E. [unclear]

George T. [unclear]

[unclear]

William L. [unclear]
Commissioners