

Decision No. 70222

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY for an order)
 authorizing construction at grade of)
 an industrial drill track across)
 Allerton Avenue in the City of South)
 San Francisco, County of San Mateo,)
 State of California.)

Application No. 48085

ORDER

Southern Pacific Company is hereby authorized to construct a drill track at grade across Allerton Avenue in the City of South San Francisco, San Mateo County, at the location described in the application, to be identified as Crossing No. E-11.08-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 avenue now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection shall be by two (2) Standard No. 8 flashing light signals (General Order No. 75-B). Applicant shall bear entire construction and maintenance expense.

The application includes a permit, dated September 20, 1965, from the City of South San Francisco granting permission to the Southern Pacific Company to construct the track in question. The permit 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 the Commission pursuant to Sections 1202 (a) and 1219 of the Public Utilities Code.

Inasmuch as protection will be provided by two Standard No. 8 flashing light signals (General Order No. 75-B), and no additional safety devices are necessary at the Allerton Avenue crossing at this time, the Commission will not pass upon the issue raised by applicant concerning the permit dated September 20, 1965 from the City of South San Francisco 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 11th day of JANUARY, 1966.

Frederick B. Holhoff
President

George B. Traver
Commissioners

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William B. ...
Commissioners