

ORIGINALDecision No. 70685

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 Muscat Avenue and Willow Avenue in the County of Fresno, State of California.	}	Application No. 48331
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O R D E R

Southern Pacific Company is hereby authorized to construct a drill track at grade across Muscat Avenue and Willow Avenue in the County of Fresno at the locations described in the application to be identified respectively, as Crossing No. B-210.55-C and B-210.80-C. Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72 without superelevation and of a width to conform to the portions of the Avenues now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection at each crossing shall be by 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 February 3, 1966, from the County of Fresno granting permission to 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 be necessary in the future 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 at each crossing will be provided by 2 Standard No. 8 flashing light signals (General Order No. 75-B) and no additional safety devices are necessary at

the Muscat Avenue and Willow Avenue crossing at this time, the Commission in this decision will not pass upon the issue raised by applicant concerning the permit dated February 3, 1966 from the County of Fresno.

Within 30 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.

Applicant alleged that the industry to be served by the crossings is in urgent need of rail service to complete construction of its plant. The effective date of the order shall be the date hereof.

Dated at San Francisco, California, this 10th day of MAY, 1966.

Frederick B. Goldschmidt
President

George H. Hoover
Negotiator

William M. Bennett
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.