

ORIGINAL

Decision No. 70726

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)
a spur track across Citrus Avenue in)
the City of Redlands, County of San)
Bernardino, State of California.)

Application No. 48312

O R D E R

Southern Pacific Company is hereby authorized to construct a spur track at grade across Citrus Avenue in the City of Redlands, San Bernardino County, at the location as described and in the manner as shown in the application.

Applicant shall bear the entire construction and maintenance expense.

Citrus Avenue is not improved at the point of construction and this authority shall not be construed as authorizing the opening of said street across the track.

The application includes a resolution dated February 1, 1966, from the City of Redlands granting permission to the Southern Pacific Company to construct the track in question. The resolution contains clauses to the effect that any costs for crossing protection and drainage in connection with the crossing that may become necessary in the future will be borne by the Southern Pacific Company. The Southern Pacific Company alleges that such clauses are 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 there is no protection or relocation of drainage facilities necessary at this crossing at this time since Citrus Avenue

is unimproved, the Commission will not pass upon the issue raised by the applicant concerning the resolution dated February 1, 1966 from the City of Redlands 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 industry involved has indicated that it is in immediate need of rail service. The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 17th day of MAY, 1966.

Frederick B. Halblaff
President

George G. Hoover
Commissioners

William L. Bennett
Commissioners