

ORIGINALDecision No. 71038

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THE WESTERN PACIFIC RAILROAD COMPANY)
 for the approval of the grade separa-)
 tion of the Oroville-Cherokee County)
 Road and its relocated line of rail-)
 road in the County of Butte, State of)
 California.)

Application No. 44918
 (Filed November 5, 1962)

ORDER MODIFYING PREVIOUS ORDER APPORTIONING
 COST OF MAINTENANCE OF GRADE SEPARATION

By Decision No. 68238 dated November 17, 1964, this Commission authorized the grade separation structure on the Oroville-Cherokee Road over the relocated right-of-way of the Western Pacific Railroad and ordered the apportionment of the cost of maintenance of the grade separation between the parties. An order granting partial rehearing limited to the matters of lump sum payment and of benefits conferred upon Butte County was issued March 17, 1965.

On June 10, 1966, the County of Butte and the Department of Water Resources of the State of California filed a stipulation herein stating that said parties have entered into an agreement, Department of Water Resources Agreement No. 154502, which compromises and settles the several outstanding matters of disagreement between them with respect to a relocation of county roads resulting from the construction of Oroville Dam and Reservoir. Said parties stipulated that the Commission may issue its order in this proceeding apportioning maintenance costs in accordance with the terms of said Department of Water Resources Agreement No. 154502 and jointly petitioned the Commission for amendment of ordering paragraph 2 of

said Decision No. 68238 as set forth in the order below. With the entry of the proposed amendment to the Commission's order, said parties waive any right to the rehearing which was granted, and request discontinuance of any further proceedings in this matter.

Good cause appearing,

IT IS ORDERED that said stipulation be accepted by the Commission and that ordering paragraph 2 of Decision No. 68238 herein is amended to read as follows:

"2. The California Department of Water Resources shall at its expense maintain in perpetuity all portions of the overpass structure except the deck surface, curbs and railings. The County of Butte shall at its expense maintain in perpetuity the bridge deck surface, curbs and railings. In the event a condition exists over any portion of the overpass for which either the California Department of Water Resources or the County of Butte has responsibility which unreasonably interferes with the proper maintenance of that portion of the overpass for which the other has responsibility, the party responsible shall be notified in writing of such condition and it shall perform all necessary corrective repairs or maintenance to eliminate said condition."

Further proceedings in this matter are discontinued.

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

Dated at San Francisco, California, this 26th day of JULY, 1966.

Arthur E. Stalick
President

George L. Hoover

Fredrick B. Holbrook

Arrogator

William L. Bennett
Commissioners