

Decision No. 72402**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SOUTHERN PACIFIC COMPANY for an order)
 authorizing the construction at grade)
 of an industrial spur track, in, upon)
 and across McKinley Avenue, Town of)
 French Camp, County of San Joaquin,)
 State of California.)

Application No. 49003
 (Filed December 7, 1966)

O R D E R

Southern Pacific Company is hereby authorized to construct a spur track at grade across McKinley Avenue near French Camp in San Joaquin County, at the location described in the application, to be identified as Crossing No. D-85.38-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 top of rails flush with the roadway and with grades of approach not exceeding two percent. Protection shall be by two Standard No. 8 crossing signals (General Order No. 75-B). Applicant shall bear entire construction and maintenance expense.

Permission to construct subject track crossing was granted by San Joaquin County Resolution No. R-67-104, dated January 24, 1967 and made a part of the application. The resolution contains a clause to the effect that any costs for necessary changes in the protection requirements will be borne by Southern Pacific Company. 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 two Standard No. 8 crossing signals are required herein as initial crossing protection with entire cost to be borne by applicant, and no additional special safety devices are necessary at the crossing at this time, the Commission in this decision will not pass on the issue raised by the applicant concerning Resolution No. R-67-104 of the San Joaquin County Board of Supervisors.

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.

Applicant alleges the industry is in need of immediate rail service to avoid expensive delay.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of MAY, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.