

**ORIGINAL**

Decision No. 72715

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 drill track across )  
 Wilbur Avenue in the City of Florin, )  
 County of Sacramento, State of )  
 California. )

Application No. 49309  
 (Filed April 25, 1967)

ORDER

Southern Pacific Company is hereby authorized to construct a spur track at grade across Wilbur Avenue near the City of Sacramento, Sacramento County, at the location described in the application, to be identified as Crossing No. D-128.2-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 Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material. Applicant shall bear entire construction and maintenance expense.

The application includes Resolution No. 66-1201 of the Sacramento County Board of Supervisors, passed and adopted November 21, 1966, granting permission to the Southern Pacific Company to construct the subject track. The resolution 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 this Commission pursuant to Sections 1202(a) and 1219 of the Public Utilities Code.

Inasmuch as no special safety devices are necessary at the Wilbur Avenue crossing at this time, the Commission in this decision will not pass upon the issue raised by the applicant concerning the aforementioned Resolution No. 66-1201 of Sacramento County.

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 16<sup>th</sup> day of JULY, 1967.

[Signature]  
President

[Signature]  
William M. Bennett  
[Signature]  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.