

**ORIGINAL**Decision No. 73356

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of	)	
San Joaquin County, acting through	)	
its Board of Supervisors, for	)	Application No. 49517
permission to construct "Airport	)	(Filed July 3, 1967)
Way" at grade across the Tidewater	)	
Southern Railroad Company, a	)	
Corporation (Nos. 75-2.2 & 75-1.8C).	)	

O P I N I O N

The County of San Joaquin, applicant herein, proposes to widen and relocate the crossing of Airport Way with the Tidewater Southern Railway Company, (Crossing No. 75-2.2) near Stockton. Upon completion, the existing crossing located about 200 feet easterly, would be abandoned and closed. The county also proposes to widen the crossing of Airport Way with a spur track of the Tidewater Southern Railway Company, (Crossing No. 75-1.8-C) near Stockton.

Applicant has plans to widen and realign Airport Way from the existing two-lane road to a divided four-lane thoroughfare with sixty-eight feet width of roadway to accommodate an anticipated 11,100 vehicles per day. It is proposed to relocate the existing two Standard No. 8 flashing light signals at Crossing No. 75-2.2 and install two additional such signals at the relocated crossing to accommodate the additional widened and divided traffic lanes. It is also proposed to install four Standard No. 8 flashing light signals at the widened and divided spur track Crossing No. 75-1.8-C in place of the two existing Standard No. 1 crossing signs.

It is understood that this is a Federal Aid project. The railway and applicant have reached agreement to share the installation and relocation cost of the automatic protection at both crossings on the basis of 90% to the county and 10% to the railway, in accordance with Federal laws and regulations governing work performed on Federal Aid projects.

By Decision 72226 in Application 45053 et al, the Commission found that in a case where ... "a higher numbered category of automatic grade-crossing protection as set forth in General Order No. 75-B is installed to replace or supplement a lower numbered standard of protection, or where crossing gates are installed in addition to existing protection, or where predictors are installed on or in addition to existing protection there shall have occurred an alteration bringing Section 1202.2 into effect; ..."

In the case of Crossing No. 75-2.2, the change in protection is the substitution of four No. 2 flashing light signals for two No. 8 flashing light signals. The Commission, accordingly, finds that in this case the change does not constitute an "alteration or construction" of automatic protection as these terms are used in Section 1202.2 of the Public Utilities Code. The railway should, therefore, continue to bear the maintenance cost of the automatic protection as they have heretofore done.

O R D E R

IT IS ORDERED THAT

1. The County of San Joaquin is hereby authorized to widen and relocate the crossing of Airport Way at grade with a track of the Tidewater Southern Railway Company, identified as Crossing No. 75-2.2 near Stockton in San Joaquin County, as described and substantially as shown in the application. Upon completion, the existing crossing located about 200 feet easterly, shall be abandoned and closed.

2. Applicant is hereby authorized to widen the crossing of Airport Way at grade with a spur track of the Tidewater Southern Railway Company, identified as Crossing No. 75-1.3-C near Stockton in San Joaquin County as described and substantially as shown in the application.

3. Width of each crossing shall be not less than sixty-eight feet and grades of approach not greater than two percent. Construction of each crossing shall be equal or superior to Standard No. 2 of General Order No. 72. Protection at each crossing shall be by four Standard No. 8 crossing signals (General Order No. 75-B), the center two at each location to be placed on a median strip.

4. Maintenance cost of each crossing outside of lines two feet outside of rails shall be borne by applicant. The Tidewater Southern Railway Company shall bear maintenance cost of each crossing between such lines. Maintenance cost of the automatic protection at the relocated Crossing No. 75-2.2 shall be borne 100% by the Tidewater Southern Railway Company. Apportionment of maintenance cost of automatic protection at Crossing No. 75-1.3-C is deferred pending issuance of a decision following rehearing on Decision No. 72750 in Application No. 48849 (Lassen County) involving apportionment of maintenance costs of automatic protection on a Federal Aid project.

5. The widened portion of Crossing No. 75-1.3-C and relocated Crossing No. 75-2.2 shall not be opened to public use until the protection ordered herein is installed and operative.

6. 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 21<sup>st</sup> day of NOVEMBER, 1967.

*John E. Knight*  
President

*George L. ...*  
*William J. ...*  
*Jack P. Morrissey*  
Commissioners

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