

**ORIGINAL**

Decision No. 73711

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 }  
an industrial spur track in, upon and }  
across "G" Street, in the City of }  
Fresno, County of Fresno, State of }  
California. }

Application No. 49928  
(Filed January 8, 1968)

O R D E R

Southern Pacific Company is hereby authorized to construct a spur track at grade across "G" Street in the City of Fresno, Fresno County, at the location described in the application, to be identified as Crossing No. B-205.0-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 street now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection shall be by four Standard No. 8 crossing signals (General Order No. 75-B). Applicant shall bear entire construction and maintenance expense.

The application includes a resolution of the City of Fresno adopted November 30, 1967, granting permission to the Southern Pacific Company to construct the track in question. The resolution contains a clause to the effect that any costs for crossing protection equipment required now or in the future by the Public Utilities Commission shall be at the applicant's expense. The Southern Pacific Company alleges that such a clause is void because the subject matter is within the exclusive jurisdiction of the Commission pursuant to Section 1202(a) and 1219 of the Public Utilities Code.

Inasmuch as four Standard No. 8 flashing light signals are to be installed at the railroad's expense at the crossing at this time, the Commission will not pass upon the issue raised by the applicant concerning the aforesaid resolution 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 effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of FEBRUARY, 1968.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners