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**ORIGINAL**

Decision No. 73723

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of the City of Visalia for a )  
Railroad Crossing over the )  
Southern Pacific Company's )  
Railroad in Section 30, T. 18S, )  
R. 25 E., M.D.B. & M. )

Application No. 46212

SUPPLEMENTAL OPINION AND ORDER

By Interim Decision No. 67844, dated September 15, 1964 in this proceeding, the City of Visalia (City) was authorized to construct Keener Street-West Murray Street at grade across the tracks of Southern Pacific Company in that city, said crossing to be identified as Crossing No. BAC-252.24, and protection to consist of two Standard No. 8 flashing light signals. Concurrently, the existing grade crossing at Goshen Avenue, Crossing No. BAC-252.1, was ordered to be closed and the protection at the existing crossing at Giddings Avenue, Crossing No. BAC-252.2 improved by the installation of two Standard No. 8 flashing light signals.

The parties were not in agreement as to apportionment of costs and the application was amended on July 16, 1964, at the hearing, to request that the matter be progressed under the procedure set forth in Section 1202.1 of the Public Utilities Code. This was done and Decision No. 67844 further provided that the Commission should reserve for later hearing and decision the matter of apportioning costs.

By Petition for Apportionment of Costs dated November 13, 1967 City advised the Commission that it had reached agreement with the railroad company as to the apportionment of costs in all respects

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except the cost of installing the crossing protection at the Murray-Keener crossing. Pursuant to City's request, Application No. 46212 was scheduled for hearing, to be held on January 30, 1968, for determination of that issue.

On December 22, 1967, the Commission received a letter from Mr. M. A. McIntyre, general manager of Southern Pacific, advising that his company is now agreeable to acceptance of City's proposal that the costs in question be apportioned 50 percent to City and 50 percent to Southern Pacific. He requested that the Commission issue its order ex parte setting forth the apportionment in question on that basis. In the light of this development, a public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED that:

1. The costs of installing the protective devices at the Murray-Keener crossing (Crossing No. BAC-252.24), and at the Giddings Avenue crossing (Crossing No. BAC-252.2), heretofore authorized by Decision No. 67844, shall be apportioned 50 percent to the City of Visalia and 50 percent to Southern Pacific Company.
2. The maintenance costs for said protective devices shall be apportioned in the same manner as the installation costs are ordered

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to be apportioned in numbered paragraph 1, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

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]

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Commissioners