

ORIGINALDecision No. 75033

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California)
 Department of Public Works for an }
 order authorizing alteration of two }
 existing grade crossings, Nos. 5-262.7 }
 and 5R-262.85, across tracks of }
 Northwestern Pacific Railroad Company }
 in the community of Alton, Humboldt }
 County. }

Application No. 50124
 (Filed April 1, 1968)

Melvin R. Dykman, for applicant.
Harold S. Lentz, for Northwestern Pacific Railroad
 Company, protestant.
Kenneth G. Soderlund, for the Commission staff.

PRELIMINARY ORDER

This application is prompted by a proposal of State of California Department of Public Works (Department) to improve a portion of State Route 36 in the community of Alton, Humboldt County, by widening and realigning it, both horizontally and vertically, at two grade crossings of the Northwestern Pacific Railroad (NWP). The easterly of the two crossings (No. 5R-262.85) is over the railroad's Carlotta Branch, while the other crossing (No. 5-262.7) is over its main line. The two crossings are approximately 350 feet apart.

The existing protection at the main line crossing consists of two Standard No. 8 flashing light signals; the branch line crossing is protected by Standard No. 1 crossbuck signs and by advance warning signs. Applicant alleges that upon completion of the widening and realignment of the subject crossings, the existing protection will not be adequate for the safety of the railroad and the travelling public. Applicant, therefore, also proposes that

said protection be improved by supplementing the flashing light signals at the main line crossing with automatic gates and by installing two Standard No. 8 flashing light signals with automatic gates at the branch line crossing.

Public hearings have been held before Examiner Bishop and the parties have been authorized to file concurrent opening and reply briefs.^{1/} The record shows that the Department and NWP are not in agreement as to the apportionment of costs of maintaining the altered grade crossing protection at the two crossings.

In the course of the hearings the Department and NWP stipulated that the issue to be decided by the Commission, pursuant to the evidence adduced at the hearings and subsequent argument by brief, should be confined to determination of the basis on which the costs of maintaining the improved crossing protection are to be apportioned between the parties. They further stipulated that, meanwhile, the work of widening and realigning the crossings and of constructing the improved crossing protection might go forward, subject to the issuance of a preliminary authorizing order by the Commission, which order might also provide that the cost of constructing the improved crossing protection should be apportioned on the basis of 50 percent to the Department and 50 percent to NWP. The stipulation thus agreed upon was further subject to the approval of plans by NWP.

Therefore,

IT IS ORDERED that:

1. The State of California Department of Public Works is authorized to realign and widen grade crossings Nos. 5-262.7 and

^{1/} Opening briefs will be due thirty days after the last volume of transcript is filed. Reply briefs will be due twenty days thereafter, on which latter date the matter will stand submitted.

5R-262.85 in the community of Alton, Humboldt County substantially as proposed in Exhibits A, B and C, attached to the application.

2. Northwestern Pacific Railroad Company shall perform the relocation, alteration and installation of improved protection at said crossings as specified in said application. Such improved protection at each crossing shall include two Standard No. 8 crossing signals (General Order No. 75-B) augmented with automatic gate arms.

3. Except as otherwise provided in ordering paragraphs 4 and 5 hereof, construction and maintenance expense shall be borne in accordance with an agreement entered into between the parties relative thereto, which agreement shall include plans approved by Northwestern Pacific Railroad Company.

4. The costs of relocation, alteration, and installation of the crossing protection covered by ordering paragraph 2 hereof shall be apportioned 50 percent to applicant and 50 percent to the railroad.

5. The basis on which the cost of maintaining said improved crossing protection shall be apportioned between the parties will be the subject of a further order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of DECEMBER, 1968.

William Symons, Jr.
President
William L. Bess
Angela
Fred P. Monnier
Commissioners