

Decision No. 75812

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California
Department of Public Works for an order
authorizing the relocation of an exist-
ing crossing and the construction of two
crossings at separated grades whereby
Interstate Route 5 will be carried over
the tracks of The Western Pacific Rail-
road Company at Deuel and over the tracks
of the Southern Pacific Company's West
Side San Joaquin Valley Line approxi-
mately 5 miles southerly of Deuel, refer-
red to as "Deuel Overhead" and "State
Route 5/33 Separation and Overhead."

Application No. 50471
(Filed August 12, 1962)

INTERIM ORDER

The State of California Department of Public Works is hereby authorized to relocate an existing crossing at grade of Lehman Road across the West Side San Joaquin Valley main line track of Southern Pacific Company near Lyoth, to eliminate the existing crossing at grade of Lehman Road across the West Side San Joaquin Valley main line track of Southern Pacific Company, to eliminate a nearby existing private crossing at grade located at railroad milepost 38.37, to construct a crossing at separated grades of Interstate Route 5 over the West Side San Joaquin Valley main line track of Southern Pacific Company referred to as "State Route 5/33 Separation and Overhead" near Lyoth, and to construct a crossing at separated grades of Interstate Route 5 over the main line track of The Western Pacific Railroad Company referred to as "Deuel Overhead" near Tracy, all in San Joaquin County, at the locations described in Exhibits "A", "B" and "C" of the above-numbered application, the authorization being summarized in the following table and being subject to the conditions named.

<u>C.P.U.C. Crossing No.</u>	<u>Name of Street</u>	<u>Work Authorized</u>
BA-88.1	Lehman Road (relocated alignment)	Construct grade crossing. Crossing protection to be by two Standard No. 3 crossing signals (G.O. 75-B) supplemented with crossing gates.
BA-88.2	Lehman Road (existing)	Abolish grade crossing.
MP-88.37	Private Road (existing)	Abolish grade crossing.
BA-88.2-A	Interstate Route 5 freeway	Construct grade separation (overhead).
4-76.7-A	Interstate Route 5 freeway	Construct grade separation (overhead).

Clearances shall be in accordance with General Order No. 26-D, except that during the period of construction of the "State Route 5/33 Separation and Overhead," a clearance of not less than 21'0" above top of rail is authorized and Southern Pacific Company is authorized to operate with such reduced clearance provided it issues, and files with the Commission, appropriate bulletins to train and engine crews advising them of the temporarily impaired clearance condition and forbidding trainmen to ride on the tops of cars while operating beneath the structure.

Applicant shall notify the Commission and Southern Pacific Company at least 15 days but not more than 30 days in advance of the date when the temporary impaired clearance will be created.

Width of relocated Lehman Road at Crossing No. BA-88.1 shall be not less than thirty-two feet with grades of approach not greater than two percent. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72.

Upon completion of Crossing No. BA-88.1 herein authorized, Crossing No. BA-88.2 shall be abolished by Southern Pacific Company in appropriate manner so as to physically prevent the use thereof to vehicular traffic. Upon completion of Crossing No. BA-88.2-A, Southern Pacific Company shall abolish the M.P. 88.37 crossing in similar manner.

Construction and abolishment expense of crossings and installation expense of automatic signals shall be borne in accordance with agreement to be entered into between the parties relative thereto, and copy of said agreement, together with plans of said crossings approved by Southern Pacific Company and The Western Pacific Railroad Company, respectively, shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction, abolishment and installation by further order.

The State of California Department of Public Works and Southern Pacific Company have been unable to agree as to the maintenance cost apportionment of the grade crossing protection to be installed at the relocated Lehman Road grade crossing (Crossing No. BA-88.1). Hence, an interim order is issued herein authorizing the project and ordering the protection at the relocated grade crossing and excepting therefrom the apportionment of protection maintenance costs which shall be determined by further order, after hearing, pursuant to the provisions of Section 1202.2 of the Public Utilities Code. Maintenance costs of Crossing No. BA-88.1 not related to protection and outside of lines two feet outside of rails shall be borne by applicant. Southern Pacific Company shall

bear maintenance cost of the crossing between such lines.

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 three years 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 24th
day of JUNE, 1969.

William J. Lyons Jr.
President
Augustus
W. P. Morrissey
W. P. Morrissey
James P. Morrissey
Commissioners