

ORIGINAL

Decision No. 77602

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California)
 Department of Public Works for an or-)
 der authorizing the alteration of)
 existing Grade Crossing No. BA-141.2)
 at North Mercy Springs Road Station)
 and Grade Crossing No. BA-141.3 at)
 State Route 152 Station over tracks of)
 the Southern Pacific Company in the)
 City of Los Banos, County of Merced.)

Application No. 50903
 (Filed February 20, 1969)

Melvin R. Dykman and David H. Frederickson,
 for State of California Department of
 Public Works, applicant.

Harold S. Lentz, for Southern Pacific Trans-
 portation Company, respondent.

Elmer J. Sjostrom, Counsel, and Leonard F.
Avery, for the Commission staff.

OPINION AND SUPPLEMENTAL ORDER

By Decision No. 75941, an interim order issued ex parte in this proceeding on July 22, 1969, State of California Department of Public Works was authorized to reconstruct the crossings of North Mercy Springs Road and State Route 152 at grade with the track of Southern Pacific Company,¹ being Crossings Nos. BA-141.2 and BA-141.3, respectively, in and near the City of Los Banos, Merced County. Said order provided that protection at each of the crossings should be by two Standard No. 8 flashing light signals augmented with automatic gate arms, and that cost of installation of said protection should be shared as follows: with respect to Crossing No. BA-141.2, equally between the City of Los Banos and the railroad, and with respect to Crossing No. BA-141.3, equally between applicant and the railroad.

¹ The former Southern Pacific Company was merged into Southern Pacific Transportation Company on November 26, 1969 and has ceased to exist.

Decision No. 75941 stated that the parties were not in agreement as to sharing or apportionment of the maintenance cost of automatic signal protection to be provided at these crossings upon exercise of the authority granted by said decision, and had agreed that said maintenance cost should be apportioned by further order of the Commission.

Public hearing was held before Examiner Bishop at San Francisco on March 10, 1970. At the request of counsel for applicant the record in Application No. 50941 was incorporated by reference into the record in Application No. 50903.² The only evidence presented at the hearing was by applicant, through testimony of the Public Projects Engineer (Signal of Southern Pacific), concerning the details of the "before-and-after" circuitry at the crossings in question.

In the course of the hearing applicant and Southern Pacific entered into a stipulation which removed their disagreement regarding the apportionment of maintenance costs of the improved protection at Crossing No. BA-141.3. The City of Los Banos (City) had due notice of the date and place of hearing but elected not to appear. The Commission was advised in writing that City had no objection to the hearing being held in San Francisco. It now appears that there has been no controversy between City and Southern Pacific as to apportionment of maintenance costs of the improved protection at Crossing No. BA-141.2.

² In Application No. 50941 State of California Department of Public Works was authorized to alter an existing grade crossing in Woodland, Yolo County. Subsequently hearings were held relative to apportionment of maintenance costs of the improved crossing protection, concerning which the parties were not in agreement. That matter is under submission.

IT IS ORDERED that, pursuant to the provisions of Section 1202.2 of the Public Utilities Code, and in accordance with the stipulation of the parties, all maintenance units assigned to the improved protection at the crossings here in issue will be divided as follows:

- a. Crossing No. BA-141.3 (State Route 152):
 - 50 percent to State of California Department of Public Works;
 - 50 percent to Southern Pacific Transportation Company.
- b. Crossing No. BA-141.2 (North Mercy Springs Road):
 - 50 percent to City of Los Banos;
 - 50 percent to Southern Pacific Transportation Company.

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

Dated at San Francisco, California, this 11th day of AUGUST, 1970.

Augustus
Chairman

William J. Vukasin, Jr.

John M. ...
Vernon L. ...
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.