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Decision No. 77687

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 alteration of existing )  
Grade Crossing No. AAB-64.8 where State )  
Route 37 crosses the tracks of the )  
Southern Pacific Company at Highway )  
Station 122+80+ in the City of Vallejo, )  
County of Solano. )

Application No. 51019  
(Filed April 21, 1969)

David H. Frederickson and Melvin R. Dykman, for  
State of California Department of Public Works,  
applicant.  
Harold S. Lentz, for Southern Pacific Transportation  
Company, respondent.  
Elmer Sjostrom, Counsel, and Leonard F. Avery, for  
the Commission staff.

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 75928, issued ex parte on July 15, 1969 in this proceeding, State of California Department of Public Works (Department) was authorized to reconstruct the crossing of State Route No. 37 at grade with a track of Southern Pacific Transportation Company<sup>1/</sup> being Crossing No. AAB-64.8, in Vallejo, Solano County.

Said decision provided that installation cost of automatic crossing protection should be divided equally between the Department and the railroad. The decision further stated that the parties were not in agreement as to sharing or apportionment of the maintenance costs of the automatic signal protection to be provided at the crossing upon exercise of the authority granted therein and had agreed that such cost should be apportioned by further order of the Commission.

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

Public hearing on the question of apportionment was held before Examiner Bishop at Woodland and San Francisco on February 3 and March 10, 1971, respectively. At the direction of the examiner, the record in Application No. 50941 was incorporated by reference into the record in this proceeding.<sup>2/</sup>

Evidence was introduced through the public projects engineer - signal of Southern Pacific, testifying on behalf of the Department under the provisions of Section 776 of the Evidence Code. At the conclusion of the hearing, the filing of briefs was directed, the matter to stand submitted on May 4, 1970, the due date of the reply briefs.

By letters dated April 9 and 22, 1970 the Department and Southern Pacific, respectively, advised the Commission that they were agreeable to a stipulation to the following effect: The entire maintenance cost of the automatic grade crossing protection, based on the total number of maintenance units associated therewith, the same as ordered by the Commission in Decisions Nos. 75676 and 76923<sup>3/</sup> shall be apportioned 50 percent to the railroad and 50 percent to the Department, in accordance with the provisions of Section 1202.2 of the Public Utilities Code.

By letter dated April 29, 1970 the Commission advised the parties that, in view of the foregoing stipulation, the filing of briefs in the matter would not be necessary.

IT IS ORDERED that maintenance costs of the improved grade crossing protection authorized by Decision No. 75928 at Crossing No. AAB-64.8 in Vallejo shall be apportioned 50 percent to Southern

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<sup>2/</sup> Application No. 50941 concerns a grade crossing at Woodland, Yolo County, and likewise involves a question of apportionment of crossing protection maintenance costs.

<sup>3/</sup> In Applications Nos. 50124 (the "Alton" decision) and 51038 (the "Carbon Canyon" decision), respectively.

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Pacific Transportation Company and 50 percent to State of California Department of Public Works, in accordance with, and subject to the terms of, the stipulation of the parties hereinbefore set forth; and further in accordance with the provisions of Section 1202.2 of the Public Utilities Code.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of SEPTEMBER, 1970.

[Signature]  
Chairman  
[Signature]  
William Squares Jr.  
[Signature]  
James L. Sturgeon  
Commissioners