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Decision No. 77762

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Loyalton
acting through its City Council, for
permission to construct crossing at
grade across the spur of The Western
Pacific Railroad in the City of
Loyalton.

) Application No. 51173
) (Filed November 18, 1969)
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)

Robert E. Roney, for City of Loyalton, applicant.
Richard W. Bridges, for The Western Pacific Railroad
Company, respondent.
M. E. Getchel, for the Commission staff.

OPINION ON REHEARING

On September 30, 1969, the Commission issued Decision No. 76244 which granted the instant application. A petition for rehearing was filed by The Western Pacific Railroad Company (WP) on October 17, 1969. Rehearing was granted on November 18, 1969 and was held at Loyalton on May 19, 1970 before Examiner O'Leary. The matter was submitted on June 19, 1970 the date which late-filed Exhibit 3 was due. Said exhibit was not filed. The matter is now ready for decision.

There is no dispute between the parties with respect to the desirability of the proposed crossing.

With respect to protection Decision No. 76244 ordered that:

"Protection shall be by:

- (1) Two Standard No. 1 crossing signs (General Order No. 75-B) reflectorized with reflex-reflective sheet material.
- (2) Appropriate railroad instructions that advise railroad operating personnel of the following requirements:

"Between sunset and sunrise no train, engine, motor or car shall be operated over Crossing No. 4E-12.5 unless said train, engine, motor or car shall be first brought to a stop and vehicular traffic on South First Street protected by a member of the train crew or other competent railroad employee of The Western Pacific Railroad Company acting as a flagman."

The track over which the proposed crossing is to be constructed is utilized for train movements to and from the Feather River Lumber Company. Evidence was presented by the WP that the service to the Feather River Lumber Company takes approximately 2 1/2 to 3 hours and requires the switching of cars over the area of the proposed crossing several times during the 2 1/2 to 3 hour period. The requirement of providing a flagman will increase the period of switching by approximately one hour and would make the operation more costly. With this type of operation automatic signals would provide a more reliable form of operation.

The city requested that the apportionment of cost of construction as set forth in Decision No. 76244 be altered or in the alternative it be given more time and the expiration period of two years be extended.

After rehearing and reconsideration of this matter the Commission finds that Decision No. 76244 should be rescinded and the following order be substituted as follows.

ORDER ON REHEARING

IT IS ORDERED that:

1. City of Loyalton is hereby authorized to construct South First Street at grade across tracks of The Western Pacific Railroad Company in the City of Loyalton, Sierra County, at the location described in the application to be identified as Crossing No. 4E-12.5.

A. 51173 hjh

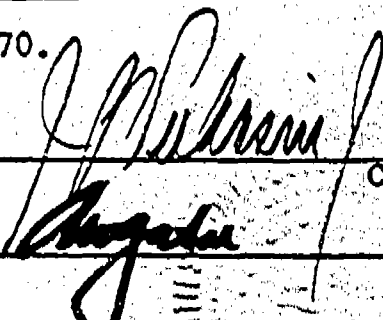
2. Width of crossing shall be not less than forty-two feet and grades of approach not greater than one percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 crossing signals (General Order No. 75-B).


3. Applicant shall bear entire expense of construction and installation of automatic protection, also maintenance cost of the automatic protection pursuant to Section 1202.2 of the Public Utilities Code and maintenance of the crossing outside of lines two feet outside of rails. The Western Pacific Railroad Company shall bear maintenance cost of the crossing between such lines.

4. 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 32nd day of SEPTEMBER, 1970.


Chairman


Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

-3-

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.