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ORIGINAL

Decision No. 78196

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California, Department of Public Works, for an order authorizing construction of a crossing at separated grades whereby State Route 03-Sac-50 will be carried under the relocated Mather Spur line track of the Southern Pacific Transportation Company and the removal of the supplanted track in Sacramento County, herein referred to as Mather Spur Underpass.

Application No. 52135
(Filed August 17, 1970)

Melvin R. Dykman, Attorney at Law, for State of California, Dept. of Public Works, Division of Highways, applicant.

Harold S. Lentz, Attorney at Law, for Southern Pacific Transportation Company, respondent.

M. E. Getchel, for the Commission staff.

OPINION AND ORDER

The State of California Department of Public Works seeks authority to construct a crossing at separated grades whereby State Route 03-Sac-50 will be carried under the relocated Mather Spur line track of the Southern Pacific Transportation Company.

Public hearing was held before Examiner O'Leary in Sacramento on December 2, 1970 at which time the matter was submitted.

During the course of the hearing applicant amended its application so as to delete requests 4, 5, 6 and 7 set forth on pages 4 and 5 of the application. Upon deletion of said requests respondent advised it would have no objection to the granting of the authority requested.

Plans for the proposed project have been prepared by applicant in cooperation with the respondent. Applicant and respondent are in agreement with respect to the necessity for said construction. The project will be financed with State and Federal funds.

After consideration the Commission finds that public convenience, safety and necessity require the proposed construction and concludes that the application should be granted.

IT IS ORDERED that:

1. The State of California Department of Public Works is hereby authorized to construct one crossing at separated grades whereby State Route 03-Sac-50 will be carried under the relocated Mather Spur line track of the Southern Pacific Transportation Company at the location described and in the manner as shown on Exhibits A and B attached to the application, to be identified as Crossing No. AH-102.3-BC. Construction and maintenance expense shall be borne in accordance with an agreement to be entered into between the parties relative thereto, and copy of said agreement, together with plans of said crossing approved by Southern Pacific Transportation Company shall be filed with the Commission prior to commencing construction. Should the parties fail to agree, the Commission will apportion the cost of construction and maintenance by further order.
2. Clearances shall be in accordance with General Order No. 26-D.
3. Walkway areas adjacent to Southern Pacific Transportation Company tracks shall be maintained free of obstructions and shall promptly be restored to their original condition in the event of damage during construction.

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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 conditions are not complied with.

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

Dated at San Francisco, California, this 19th day of JANUARY, 1971.

Chairman

William Sproule, Jr.
[Signature]
Vernon L. Sturgeon

Commissioners

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