

ORIGINAL

Decision No. 79139

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
the City of Visalia for a Railroad )	
Crossing over the Southern Pacific )	Application No. 48658
Company's Railroad in Section 29, )	
T. 18 S., R. 25 E., M. D. B. & M. )	
_____ )	

Nathaniel O. Bradley, Attorney at Law, for  
 City of Visalia, applicant.  
Harold S. Lentz and J. Thomas Crowe, Attorneys  
 at Law, for Southern Pacific Transportation  
 Company, respondent.  
Edward C. Cole, for the Commission staff.

O P I N I O N

Decision No. 78362 rendered March 2, 1971 extended the time within which the City of Visalia could construct the crossing authorized by Decision No. 75325 from March 15, 1971 to March 1, 1973. By Decision No. 78631 rendered May 4, 1971 rehearing of Decision No. 78362 was granted pursuant to a petition filed by Southern Pacific Transportation Company. Said rehearing was held before Examiner O'Leary at Visalia on June 18, 1971 at which time the matter was submitted.

It was stipulated that the City's original complaint of condemnation was filed February 20, 1970; a demurrer to that complaint was filed May 8, 1970; the first amended complaint was filed June 10, 1970; the answer to the first amended complaint was filed September 14, 1970; at issue memorandum was filed December 14, 1970; a pretrial hearing was set for April 28, 1971; a pretrial order was made on May 3, 1971 and a trial date was set for September 22, 1971. It was also stipulated that no order of immediate possession was ever sought or obtained.

Evidence was presented by Southern Pacific Transportation Company, the successor in interest to the former Southern Pacific Company (S.P.), that various costs set forth in Decision No. 75325, had increased since the issuance of said Decision No. 75325 as follows: 1. automatic protection cost estimate increased from \$20,950 to \$30,000; 2. the estimate for removal of 23 feet of S.P.'s Visalia depot has increased from \$1,600 to \$6,950, and the estimate to construct the crossing has increased from \$10,140 to \$20,250. S.P. also presented evidence that Tulare County has applied to the Commission to open a crossing immediately south of the proposed location of the runaround track (Application No. 52635). The opening of said crossing would make the proposed location somewhat inappropriate for switching because of the crossing. Because of this and other things, S.P. looked into other locations for the runaround track and found a location west of town which would be just as satisfactory. The cost of the runaround track west of town is estimated to be \$37,090. The estimate of the cost of constructing the runaround track at the original proposed location has risen from \$25,200 to \$53,750. Evidence was also presented that after removal of the 23 feet from S.P.'s Visalia depot it would no longer be usable by Pacific Motor Trucking Company as a terminal. The estimate to construct a new comparable terminal is \$44,300.

Based on the evidence adduced, the Commission finds:

1. The condemnation proceeding instituted by the City of Visalia was not adjudicated prior to the time limit set forth in Ordering Paragraph 10 of Decision No. 75325 (March 15, 1971).
2. The estimate of automatic protection costs has risen from \$20,950 to \$30,000.
3. The estimate of constructing a runaround track east of town has risen from \$25,200 to \$53,750.

4. The estimate of constructing a runaround track west of town is \$37,090.

5. The estimate of removing 23 feet of S.P.'s Visalia depot has increased from \$1,600 to \$6,950.

6. The estimate of constructing the crossing has increased from \$10,140 to \$20,250.

7. The estimate to construct a new freight house for Pacific Motor Trucking Company is \$44,300.

8. The increased costs set forth in Findings 2 to 7, inclusive, will be borne by the City of Visalia pursuant to Ordering Paragraph 7 of Decision No. 75325.

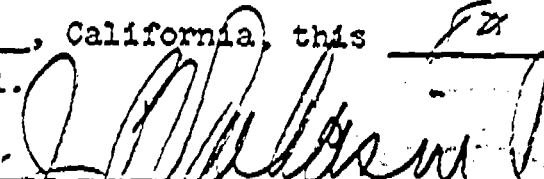
Since the increased costs will not be borne by Southern Pacific Transportation Company, the Commission concludes that Decision No. 78362 should be affirmed.

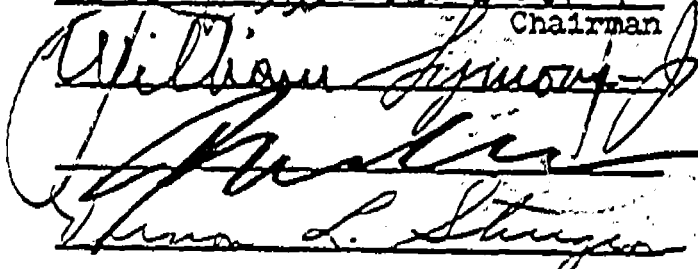
ORDER


IT IS ORDERED that Decision No. 78362 is affirmed.

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

Dated at San Francisco, California, this 28 day of SEPTEMBER, 1971.

  
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 Chairman

  
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 William L. Sturgeon

  
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 Commissioners