

Decision No. 79536**ORIGINAL**

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 Company's rail-)
 road in Section 29, Township 18)
 south, Range 25 east, M.D.B. & M.)

Application No. 48658

ORDER AMENDING DECISION NO. 75325

Decision No. 75325 in the instant application authorized the City of Visalia to construct Bridge Street at grade across four tracks of Southern Pacific Company, now Southern Pacific Transportation Company (S.P.). On March 2, 1971 the Commission issued Decision No. 78362 ordering that the time within which the authority granted by Decision No. 75325 may be exercised be extended to March 1, 1973. A rehearing of Decision No. 78362 was granted by Decision No. 78631. Following the rehearing, the Commission issued Decision No. 79139 which affirmed Decision No. 78362.

On October 15, 1971, S.P. filed its petition for modification of Decision No. 75325. Specifically it requests that the amount of the advance deposit set forth in ordering paragraph 4.b. of Decision No. 75325 be increased from \$32,690 to \$138,590.

S.P. avers that the estimated costs set forth in findings 2 through 7 in Decision No. 79139 are all for work which clearly must be done prior to opening the new crossing. The requested increased deposit is the total of the amount of costs set forth in findings 2, 4, 5, 6 and 7 of Decision No. 75325. (Findings 3 and 4 are alternative findings. However, finding 4 that a run-around track west of town is estimated to cost \$37,090 involves a lesser sum than finding 3)

The \$32,690 deposit set forth in ordering paragraph 4.b. of Decision No. 75325 includes the original estimated costs of \$10,140 to construct the crossing, \$20,950 for No. 8 flashing lights and automatic gates and \$1,600 to remove 23 feet of S.P.'s Visalia depot. (Findings 30, 31 and 32 of Decision No. 75325.) These estimated costs have increased to \$20,250, 30,000, and 6,950, respectively. (Findings 2, 5 and 6 of Decision No. 79139.)

We have previously determined in Decision No. 75325 that the estimated costs of the run-around track and construction of a new freight house for Pacific Motor Trucking should not be included in the amount of deposit and need not be discussed further herein.

After consideration, the Commission finds and concludes that the deposit ordered by ordering paragraph 4.b. of Decision No. 75325 should be increased to reflect the increased estimated costs set forth in findings 2, 5 and 6 of Decision No. 79139.

IT IS ORDERED that ordering paragraph 4.b. of Decision No. 75325 is amended as follows:

The City of Visalia has deposited with Southern Pacific Company the sum of \$57,200 to apply to the cost of work done by Southern Pacific Company.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 17th day of JANUARY, 1972.

J. Atwater

J. B. ... Chairman

William ... Chairman
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...
Commissioners