

ORIGINAL

Decision No. 80205

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 construction of six  
 crossings at separated grades and three  
 crossings at grade, the reconstruction  
 of one crossing at separated grades and  
 two crossings at grade, the relocation of  
 seven crossings at grade and the eli-  
 mination of twenty-eight crossings at  
 grade in connection with the construction  
 of a portion of Interstate Route 5 in the  
 City of Stockton, referred to as the  
 "Stockton Channel Viaduct".

Application No. 50790  
 (Petition for Modifi-  
 cation filed  
 December 18, 1969)

FINAL ORDER

By Decision No. 76076 dated August 26, 1969, the State of California Department of Public Works was granted interim authority to construct six crossings at separated grades of Interstate Route 5 and State Route 4 and to alter, construct, relocate and abolish numerous grade crossings across various individual or joint tracks of The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Company, since changed to Southern Pacific Transportation Company, and The Western Pacific Railroad Company, in the City of Stockton, San Joaquin County.

Decision No. 78609 dated April 27, 1971, ordered identification numbering of the new relocated or altered grade crossings and new separation structures resulting from the project and the required protection for each grade crossing.

Said Decision No. 76076 further ordered that maintenance cost of automatic signals at the crossings, as may be borne by the City of Stockton, shall be pursuant to the provisions of Section 1202.2 of the Public Utilities Code and in all other instances involving the grade crossings in question, construction, abolishment and maintenance expense shall be borne in accordance with agreements to be entered into between the parties relative thereto.

By Petition filed December 13, 1969, applicant petitioned the Commission to modify Decision No. 76076 by deleting therefrom the portion pertaining to maintenance costs as follows:

"Maintenance cost of automatic signals at these crossings as may be borne by the City of Stockton shall be pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

Applicant claims that the four-party construction and maintenance agreement provides under Paragraph 3.5 that,

"division of cost of the maintenance of grade crossing protection will be determined at a later date by agreement of the parties or by order or judgment of competent public authority, which agreement, order or judgment shall be effective as of the date of installation of such grade crossing protection."

The City of Stockton is not a party to said agreement between the various railroads and the State Department of Public Works. The city, in fact, does not share in the construction and installation costs of the automatic protection installed as a result of this project. The provision of Decision No. 76076 which apportion maintenance costs as may be borne by the City of Stockton, etc., has not been brought to bear in this case, as the City of Stockton has not participated in the installation costs and has had none of the costs apportioned to it.

The parties have informed the Commission by letter that they are agreeable to the petition and to the apportionment of the maintenance costs of the automatic protection.

IT IS ORDERED that the portion of the penultimate paragraph on Page 4 of Decision No. 76076, dated August 26, 1969, which reads as follows is hereby deleted:

"Maintenance cost of automatic signals at these crossings as may be borne by the City of Stockton shall be pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

IT IS FURTHER ORDERED that maintenance costs of automatic protection installed pursuant to said Decision No. 76076 and Decision No. 73609, dated April 27, 1971, shall be apportioned in accordance with Section 1202.2 of the Public Utilities Code:

1. Maintenance costs of automatic protection shall be borne 100% by applicant at the following crossings:

<u>Appl. Crossing Index No.</u>	<u>Location</u>	<u>Protection</u>
NGX-1 4-95.25-C	West Washington St. Extension	2 Std. #8's
NGX-2 DK-92.27-C	West Sonora St. - Garfield Lead	2 Std. #8's
NGX-3 DK-92.15-C	West Hazelton - Garfield Lead	2 Std. #8's

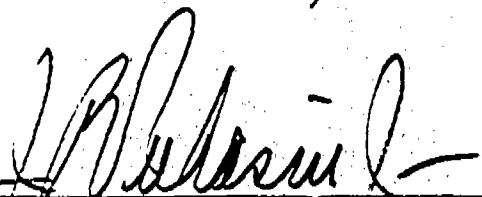
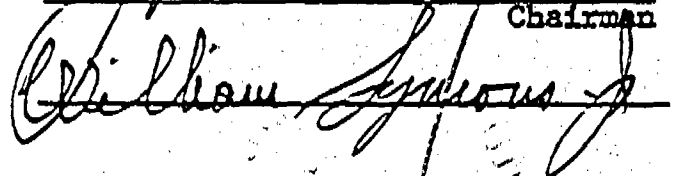


2. Maintenance of automatic protection shall be borne equally by applicant and the railroad as follows:

<u>Rail- road</u>	<u>Appl. Crossing Index No.</u>	<u>Located</u>	<u>Protection</u>
WPRR	AGX-1 4-94.66-C	South Lincoln St.	2 Std. #8/Cants.
SPT	RGX-1 DK-92.22-C	West Church St.	2 Std. #8/Gates
SPT	RDX-2 DK-92.41-C	West Washington at Garfield St.	3 Std. #8/Gates and 1 Cant.
WPRR	RGX-3 4-94.64-C	West Weber Ave. at South Lincoln (Joint Lead)	5 Std. #8/Gates and 1 Std. #8
WPRR	RGX-4 4-94.60-C	West Main St. (Joint Lead)	2 Std. #8/Gates
WPRR	RGX-5 4-94.53-C	West Market St. (Joint Lead)	2 Std. #8/Gates
WPRR	RGX-6 4-94.47-C	West Washington St. (Joint Lead)	2 Std. #8/Gates
WPRR	RGX-7 4-94.41-C	West Lafayette St. (Joint Lead)	2 Std. #8/Gates

In all other respects Decisions Nos. 76076 and 72609 shall remain in full force and effect.

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

Dated at San Francisco, California, this 27th day of JUNE, 1972.

  
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Chairman  
  
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Commissioners

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