

Decision No. 83454

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Santa Cruz, a political subdivision of the State of California, for permission to reconstruct the existing underpass of the Southern Pacific Transportation Company, at railroad crossing (EC-108.9B).

Application No. 53206
(Petition for Modification
filed October 4, 1973)

Clair A. Carlson, Chief Deputy County Counsel,
for County of Santa Cruz, applicant.
Harold S. Lentz, Attorney at Law, for Southern
Pacific Transportation Company, respondent.
Melvin R. Dykman, Attorney at Law, for State of
California, Department of Transportation,
interested party.
Edward C. Cole, for the Commission staff.

ORDER DISMISSING
PETITION FOR MODIFICATION

The county of Santa Cruz (County) was originally granted authority herein to reconstruct an existing underpass at Railroad Crossing EC-108.9B, under the tracks of Southern Pacific Transportation Company (SP), by ex parte Decision No. 80220 dated July 11, 1972. The decision stated that construction and maintenance expense should be borne in accordance with an agreement to be entered into, or, if the parties fail to agree, the Commission would apportion the cost of construction and maintenance by further order.

The parties failed to agree upon the apportionment, and therefore the county filed a Petition for Modification of Decision No. 80220 on October 4, 1973. Hearing in this matter was held before Examiner Meaney on February 25, 1974 in Santa Cruz, the chief subject of which was whether a certain agreement dated March 7, 1949, between the County and the railroad, applied to the reconstruction.

The matter was submitted on that date, but subsequently SP and the County advised the Commission to withhold issuing any decision pending possible resolution of differences between the County and SP.

Both the County and SP have now informed the Commission that the Commission need not issue any decision on the issues presented by the petition for modification.

Therefore, IT IS ORDERED that the petition for modification filed herein on October 4, 1973 is dismissed.

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 17th
day of SEPTEMBER, 1974.

Vernon L. Sturgeon
President
William J. Sturgeon
William J. Sturgeon
William J. Sturgeon
William J. Sturgeon
Commissioners