BP

Decision No. 84091

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC TRANSPORTATION COMPANY for an order authorizing the construction at grade of an industrial spur track, in, upon, along or across Colorado Avenue in the City of Helm, County of Fresno, State of California.

Application No. 55346
(Filed November 26, 1974)

ORDER DENYING REHEARING AND STAY

The County of Fresno (Petitioner) filed a petition for rehearing of Decision No. 83945, an interim opinion authorizing the construction of a spur track by Southern Pacific Transportation Company (SP) across Colorado Avenue, City of Helm, County of Fresno, with two Standard No. 9 gates at the grade crossing (Crossing No. BAO-197.30-C).

The petition alleges that the Commission erred in specifying the level of grade crossing protection to be installed at Crossing No. BAO-197.30-C and referring the issue of the level of protection to be specified at a nearby existing crossing (Crossing No. BAO-197.6-C) to a public hearing. In so doing, the Commission, it is alleged, denied the Petitioner the opportunity to present evidence on crossing protection respecting both crossings at the same public hearing.

The Commission acknowledged Petitioner's concern over the level of protection at Crossing No. BAO-197.6-C due to the construction of Crossing No. BAO-197.30-C and referred that issue for public hearing. At the hearing, Petitioner will have every opportunity to present evidence concerning the unique relationship between Crossing No. BAO-197.6-C and Crossing No. BAO-197.30-C and the need, if demonstrated, to upgrade the level of protection at Crossing No. BAO-197.6-C. Petitioner presented no evidence to substantiate its position that the standard of grade crossing protection at Crossing No. BAO-197.6-C could not be properly considered

in a separate hearing and, as it was in the public interest to authorize immediate construction of the proposed spur track, the Commission's action in issuing Decision No. 83945 was proper. Accordingly, having considered each and every allegation of Petitioner in its petition for rehearing, the Commission is of the opinion that good cause for rehearing and stay has not been shown.

IT IS ORDERED that rehearing and stay of Decision No. 83945 is hereby denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th day of FEBRUARY, 1975.

Vernon L. Sturgeon
President
William Symons, Jr.

Leonard Ross
Commissioners