

Decision 92 07 035 JUL 7 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
The City of King City for an order)
authorizing construction of a new)
grade crossing across the tracks of)
the Southern Pacific Transportation)
Company at San Antonio Road in the)
City of King City, County of)
Monterey.)

ORIGINAL

Application 87-07-045
(Filed July 30, 1987)

ORDER MODIFYING DECISION 90-03-049

Decision (D.) 90-03-049 authorized the City of King City (King City) to construct San Antonio Road at-grade across the tracks of Southern Pacific Transportation Company (Southern Pacific).

Ordering Paragraph 11 provides as follows:

"11. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require."

King City has requested an extension of the expiration date to March 28, 1994. A copy of the request is set forth in Appendix A. By letter, dated May 29, 1992, Southern Pacific has advised it has no objection to the request.

IT IS ORDERED that:

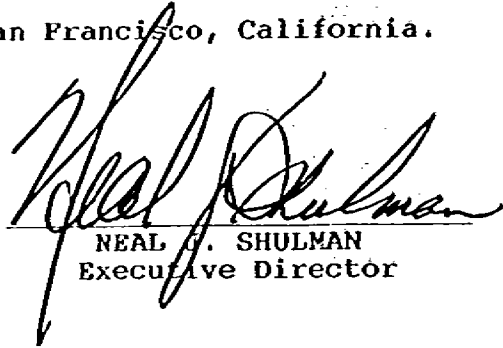
1. Ordering Paragraph 11 of D.90-03-049 is modified as follows:

"11. This authorization shall expire if not exercised by March 28, 1994, unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require."

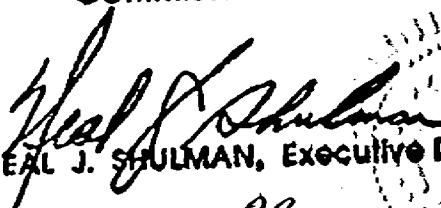
2. In all other respects D.90-03-049 remains in full force and effect.

This order is issued pursuant to Resolution ET-1367 and is effective today.

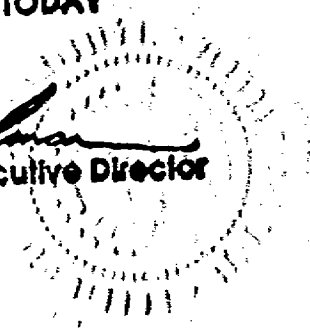
Dated JUL 7 1992, at San Francisco, California.


NEAL J. SHULMAN
Executive Director

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director

PB



A.87-07-045 /ALJ/PJO/jac

APPENDIX A
KECK, MAHIN & GATE
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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KECK MAHIN GATE & KOETHE
NEW YORK, NEW YORK

FAR HILLS, NEW JERSEY

FILE NUMBER

DIRECT DIAL

April 30, 1992

Via Hand Delivery

Mr. Arthur Aldridge
Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: San Antonio Road At-Grade Crossing, King City
Application No. 87-07-045; Decision No. 90-03-049

Dear Mr. Aldridge:

Our firm represents the City of King City ("King City") in connection with the above-referenced matter. On March 28, 1990, the California Public Utilities Commission ("PUC") rendered an interim opinion ("Interim Order") authorizing King City to construct the San Antonio Road at-grade crossing across the tracks of Southern Pacific Transportation Company ("SPT") at or near Mile Post E-163.1. King City applied for this authorization on behalf of Spreckels Sugar Company ("Spreckels") to implement development of Spreckels' property pursuant to a Development Agreement between King City and Spreckels. Spreckels is obligated under the Development Agreement to reimburse King City's costs in connection with the crossing.

The Interim Order was to expire if not exercised within two years unless time was extended. On behalf of King City, we hereby request that an extension of two years be granted.

SPT and King City completed execution of a Construction Agreement ("Construction Agreement") in mid-March 1991 after careful review over a period of months by Spreckels and its engineer. Pursuant to the Construction Agreement, SPT ordered materials for its work in March 1991. In May 1991, Spreckels paid 80% of the cost of these materials, \$61,000, directly to SPT.

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APPENDIX A

April 30, 1992
Page 2

All parties involved anticipated that assembly of the materials necessary for SPT's work would take at least six months and that the crossing could not be open to the public for at least a year from mid-March 1991. In October 1991, materials began to arrive and SPT's crews took initial steps in installing the improvements necessary to accomodate the crossing.

Under the Development Agreement, Spreckels is obligated to make other improvements in connection with its development. Preparation of the plans and specifications for the crossing and other improvements has taken time because of the coordination necessary to enable Spreckels to make these improvements as economically and with as little disruption as possible. Spreckels' engineer recently submitted plans and specifications for the crossing and other improvements to King City's engineer who is now reviewing them.

We have contacted the appropriate people at SPT and have been informed by them that SPT has no objection to a two-year extension of the Interim Order.

Progress on completing the crossing has been steady, if not swift. Spreckels has invested \$61,000 to date in materials which have been procured and are at the site of the crossing. SPT has taken initial steps in its work on the crossing. The plans and specifications for the work to be performed on King City's and Spreckels part are complete and under review by King City. For these reasons, it is respectfully requested that an extension of the Interim Order be granted to March 28, 1994.

Very truly yours,

Madeleine E. Sloane

Madeleine E. Sloane

cc: Blaine Michaelis, City of King City
Elizabeth Robison, Spreckels Sugar Company
Leland Butler, Southern Pacific Transportation Company

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(END OF APPENDIX A)