

**ORIGINAL**

Decision No. 67890

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of County of Ventura  
requesting apportionment of railroad  
crossing protective device maintenance  
costs.

Application No. 46743  
(Filed June 18, 1964)

O P I N I O N

Applicant County of Ventura requests an order of this Commission apportioning the maintenance costs of the protective devices installed at two crossings in Ventura County.

Applicant alleges that it has heretofore entered into agreements with the Southern Pacific Company to provide for the installation of protective devices at the following two crossings in Ventura County:

- 1. Tapo Street - Simi Crossing No. E-437.3
- 2. Main Street - Piru Crossing No. BE-431.6

Applicant further alleges that the agreements for installation of said protective devices contain the following clause providing for maintenance of said protective devices:

"The cost of maintaining said crossing signals and appurtenances shall be apportioned between the parties as may be prescribed by law or by agreement of the parties hereto. In the event there shall be no applicable law or agreement so apportioning such cost by December 31, 1963, the parties will submit the apportionment of such maintenance expense to the decision of the Public Utilities Commission of the State of California."

Applicant County of Ventura further alleges that there was no applicable law or agreement apportioning the maintenance costs of the protective devices by December 31, 1963, and that this

application is made so that the Public Utilities Commission may apportion the maintenance costs of the protective devices, and further requests that said apportionment provide that the Southern Pacific Company pay all costs of maintaining the protective devices at the two crossings specified.

The Commission's director of transportation reports that automatic protection has been installed at the Tapo Street crossing on the Coast Line, and at the Main Street crossing in Piru on the Santa Paula Branch by agreement between the County of Ventura and the Southern Pacific Company.

The only issue involved in this application is the assessment of the costs of maintenance of the protective devices and that on this issue the Commission has an established policy, therefore, a public hearing is not deemed necessary.

The Commission finds that:

Protective devices having been installed at the above crossings, and in conformity with the policy and holding announced in Decision No. 66454, dated December 10, 1963, and Decision No. 66881, dated February 25, 1964, we conclude that the costs of maintaining protective devices at the crossings, herein concerned, should be borne exclusively by the Railroad.

O R D E R

IT IS ORDERED that the maintenance costs of the automatic signal protection installed at the two crossings described

as follows:

- 1. Tapo Street - Simi Crossing No. E-437.3
- 2. Main Street - Piru Crossing No. BE-431.6

shall be borne by the Southern Pacific Company.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 22nd day of SEPTEMBER, 1964.

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President

*George E. Nitcher*

~~George E. Nitcher~~

~~William B. Beard~~

~~William B. Beard~~

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Commissioners

*We dissent. Today's decision denies the railroad the hearing to which it is lawfully entitled. (See our dissent to Decision 66881 in Cases 7463 and 7464.)*

*George F. Grover  
Frederick B. Holboff*