

Decision No. 70031

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Ventura)
 requesting apportionment of railroad)
 crossing protective device mainten-) Application No. 47766
 ance costs.) (Filed July 22, 1965)

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. Grimes Canyon Road Crossing No. E-424.1
- 2. Orchard Street - Piru Crossing No. BE-432.0

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

"After the said signals have been placed in operation, railroad shall maintain said signals so long as same may remain in place. The cost of maintaining said signals shall be apportioned between the parties as may be prescribed by law, or by agreement of the parties hereto. In the event there is no applicable law or agreement so apportioning such costs by March 31, 1965, 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 March 31, 1965, 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 Southern Pacific Company has notified the Commission that it has no objection to the issuance of such an order in view of the fact that the signals were installed prior to October 1, 1965, and thus not subject to Section 1202.2 of the Public Utilities Code.

Since applicant and Southern Pacific Company are in agreement as to this issue, a public hearing is not deemed necessary.

The Commission finds that:

Protective devices having been installed at the above crossings, and the applicant and Southern Pacific Company being in agreement concerning the apportionment of maintenance costs thereof to the latter, we conclude that the costs of maintaining protective devices at the crossings herein concerned should be borne by the railroad.

ORDER

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

as follows:

- | | |
|--------------------------|-----------------------|
| 1. Grimes Canyon Road | Crossing No. E-424.1 |
| 2. Orchard Street - Piru | Crossing No. BE-432.0 |

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 30th day of NOVEMBER, 1965.

Fredrick B. Holcomb
President

George L. Weaver

Dallan W. Brown

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.