

**ORIGINAL**

Decision No. 70752

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the People of the State of California, on relation of the Department of Public Works for an order authorizing construction of a crossing at grade of the State highway, Route 19, and the tracks of a spur of the Southern Pacific Railroad in the City of Ontario, County of San Bernardino, California.

Application No. 28647

Investigation into the safety, use, and protection of the grade crossing of SOUTHERN PACIFIC COMPANY with Mission Boulevard, State Route 60, in the City of Ontario, California, being Crossing No. B-521.24-C.

Case No. 8076

OPINION AND ORDER

By its order dated December 9, 1964, the Commission instituted an investigation into the safety, maintenance, operation, use, and protection of Southern Pacific Company railroad crossing with Mission Boulevard, State Route No. 60, (formerly known as State Route 19) in the City of Ontario, California, designated Crossing No. B-521.24-C. The matter was set for hearing on April 13, 1965, and removed from the calendar upon receipt of a letter from the Division of Highways, State of California, stating that the parties are in agreement as to

installation of automatic protection at the Mission Boulevard grade crossing and would execute the usual service agreement covering the installation of automatic gates at this crossing and providing for the sharing of construction and maintenance costs thereof.

The proposed plans for crossing protection have been approved by the Commission staff which provide for the installation of Standard No. 8 flashing light signals, augmented with automatic gates, and the work has been commenced.

On March 3, 1966, Southern Pacific Company filed a petition for modification of Decisions No. 41172 and No. 41396 in Application No. 28647.

By Decision No. 41172, dated January 27, 1948, the Commission authorized the construction of State Highway Route 19 at grade across a spur track of the Southern Pacific Company in the City of Ontario, the same being Crossing No. B-521.24-C, and specified that protection should be by one Standard No. 8 flashing light signal for each roadway of said crossing, and limited the train speed at said crossing to six miles per hour.

By Decision No. 41396, on March 30, 1948, the Commission issued its First Supplemental Order in Application No. 28647, and specified that the protection should be by one Standard No. 1-A reflectorized crossing sign for each roadway of said crossing and provided that trains should not enter the crossing at a speed greater than six miles per hour, in the

same language as was provided for in Decision No. 41172.

Petitioner alleges that when No. 8 flashing lights, augmented with automatic gates, are installed at said grade crossing, the speed restriction of six miles per hour will no longer be necessary in the interest of safety, and should therefore be rescinded and not thereafter imposed on the movement of trains of petitioner at said crossing.

Petitioner requests an order of the Commission rescinding the six miles per hour speed restriction contained in Decisions No. 41172 and No. 41396, to become effective concurrently with the petitioner notifying the Commission in writing that the installation of such protective devices has been accomplished and that same are in operation. The Commission staff has approved the removal of said speed restriction upon completion of the installation of the automatic protection and has recommended that a period of six months is sufficient time for completion of said work. A public hearing is not necessary. The Commission concludes that the petition should be granted in the manner set forth in the following order.

IT IS ORDERED that the protection prescribed in Decisions No. 41172 and No. 41396 be amended as follows: Protection shall be by Standard No. 8 flashing lights, augmented with automatic gates, to be installed within six months from the effective date hereof by the Southern Pacific Company, and that the construction and maintenance costs thereof shall be apportioned between the public agencies involved and the railroad

in the proportions set forth in the agreement between the parties. Upon the filing with the Commission of a notice of completion of the installation of the protection the speed restriction on rail operations of six miles per hour is hereby rescinded. ✓

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

Dated at San Francisco, California, this 24<sup>th</sup> day of MAY, 1966.

Fredrick B. Halaloff  
President  
John L. Mitchell  
George A. Grover  
Augustus  
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.