

sk

**ORIGINAL**

Decision No. 71873

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of  
 establishing a list for the year  
 1967 of railroad grade crossings  
 of city streets or county roads  
 most urgently in need of separation,  
 or existing separations in need of  
 alteration or reconstruction as  
 contemplated by Section 189 of the  
 Streets and Highways Code.

Case No. 8496

SUPPLEMENTAL ORDER

By Decision No. 71701, dated December 13, 1966, the Commission issued a list for the year 1967 of railroad crossings of city streets or county roads most urgently in need of separation, or existing separations in need of alteration or reconstruction. One of the crossings considered but not included in the list was Harbor Boulevard sponsored by the City of Fullerton.

On December 21, 1966, the City of Fullerton petitioned the Commission requesting that the 1967 list be amended by including therein the Harbor Boulevard crossing. Although the staff's Exhibit No. 1 listed said crossing No. 3 in traffic factor, No. 5 in cost factor and No. 23 in accident factor, the crossing was not included because it is situated on a state highway and not on a city street or county road as specified in Section 189 of the Streets and Highways Code.

The City of Fullerton has indicated that steps have been taken in the state legislature to have the highway

relinquished to the county and favorable action is expected. The city further indicates that funds are available for construction.

It is requested that Harbor Boulevard be included in the list and it be considered for an appropriation from the fund upon the condition that the "State Highway" status be removed.

It is apparent that the City of Fullerton has prematurely placed the Harbor Boulevard crossing in nomination. Until such time as the state relinquishes the highway to the county or city, Harbor Boulevard cannot qualify for the priority list.

IT IS THEREFORE ORDERED that the petition for modification filed by the City of Fullerton is hereby denied.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of JANUARY, 1967.

[Signature]  
President

[Signature]

[Signature]

\_\_\_\_\_

Commissioners