

ORIGINALDecision No. 73559

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission investigation to establish)
 procedure for making allocations to)
 local agencies under the "Crossing)
 Protection Maintenance Fund" provided)
 for in Public Utilities Code section)
 1231.1, and to determine methods for)
 ascertaining maintenance costs of)
 automatic crossing protection.)

Case No. 8249

ORDER MODIFYING DECISION NO. 72225

Decision No. 72225 established a procedure for making allocations to local agencies under the "Crossing Protection Maintenance Fund" provided for in Public Utilities Code section 1231.1, Statutes 1965, Chapter 1644. The above section has been subsequently amended by Statutes 1967, Chapter 614, effective November 3, 1967, to read as follows (additions are underlined and deleted portions are stricken):

"1231.1. In each annual budget report prepared by the California Highway Commission and the Department of Public Works under Section 143.1 of the Streets and Highways Code, commencing with the 1966-67 fiscal year, a sum not to exceed one million dollars (\$1,000,000) shall be set aside for allocations to the Public Utilities Commission, for the purpose of paying to cities, counties, and cities and counties to the street or railroad corporations the share of the cost of to cities, counties, and cities and counties of maintaining automatic grade-crossing protection. The specific amount of the total allocation shall be determined by the California Highway Commission and shall constitute the amount necessary for such maintenance. In arriving at such amount, the California Highway Commission shall consult with representatives of the Public Utilities Commission. Any amount not expended by the Public Utilities Commission in any one fiscal year may be credited to subsequent annual allocations.

"Funds appropriated for the purposes specified herein shall be available for allocation and expenditure without regard to fiscal years."

The Commission finds that the procedure established by Decision No. 72225 should be modified to be consistent with Code section 1231.1 as amended, and good cause appearing,

IT IS ORDERED that ordering paragraph No. 7 of Decision No. 72225, now reading:

"7. Payment for the public agency's share of the cost of maintaining automatic grade crossing protection shall thereafter be made directly to said public agency. Said public agency shall upon receipt of payment for its share of the cost of maintaining automatic grade crossing protection forthwith make payment to the billing railroad."

is hereby amended to read as follows:

"7. Payment for the public agency's share of the cost of maintaining automatic grade crossing protection shall thereafter be made directly to the billing railroad."

The Secretary is directed to cause copies of this Order to be mailed to each appearance in Case No. 3249, to each city, county, and city and county in which a railroad grade crossing is

located, to each railroad operating in California, to the League of California Cities, and to the County Supervisors Association of California.

The effective date of this Order shall be the date hereof.

Dated at San Francisco, California, this 22 day of JANUARY, 1967.

[Signature]
President

[Signature]

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Commissioners