

Decision No. 74181**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 the COUNTY OF ORANGE to widen and
 improve a County Road across the
 Right of Way of The Atchison, Topeka
 and Santa Fe Railway Company at Red
 Hill Avenue in the Tustin Area.
 Crossing No. 2-181.3-C.

Application No. 50128
 (Filed March 29, 1968)

O R D E R

County of Orange is hereby authorized to widen Red Hill Avenue (Crossing No. 2-181.3-C) across a track of The Atchison, Topeka and Santa Fe Railway Company, near Tustin, Orange County, as described and substantially as shown in the application. Width of crossing shall be not less than 84 feet and grades of approach not greater than one percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by four Standard No. 8 flashing light signals (General Order No. 75-B). Back lights may be omitted from the signals to be located on the medians.

Construction expense of the crossing shall be borne in accordance with an agreement to be entered into between the parties or, if they fail to agree, by further order of the Commission. Maintenance cost of the crossing outside of lines two feet outside of rails shall be borne by applicant. The Atchison, Topeka and Santa Fe Railway Company shall bear maintenance cost of the crossing between such lines. Installation cost of the automatic protection shall be divided equally between the County of Orange and The Atchison, Topeka and Santa Fe Railway Company.

By Decision 72226 in Application 45058 et al, the Commission found that in a case where ... "a higher numbered category of automatic grade-crossing protection as set forth in General Order No. 75-B is installed to replace or supplement a lower numbered

standard of protection, or where crossing gates are installed in addition to existing protection, or where predictors are installed on or in addition to existing protection there shall have occurred an alteration bringing Section 1202.2 into effect; ..."

In this case, the change in protection is the substitution of four No. 8 flashing light signals for two No. 8 flashing light signals. The Commission, accordingly, finds that in this case the change does not constitute an "alteration or construction" of automatic protection as these terms are used in Section 1202.2 of the Public Utilities Code. The railway should, therefore, continue to bear the maintenance cost of the automatic protection as they have heretofore done. Maintenance cost of the automatic protection shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of MAY, 1963.

[Signature]
President

[Signature]

William Lyons Jr.

[Signature]
Commissioners

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