

**ORIGINAL**

Decision No. 74740

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Southern Pacific Company for  
apportionment of maintenance costs  
of automatic protection at  
Francisquito Avenue, Crossing No.  
6T-19.47-C, in the City of Baldwin  
Park, County of Los Angeles,  
California

Application No. 50133  
(Filed April 2, 1968)

O P I N I O N

The Southern Pacific Company (Railroad)<sup>1/</sup> requests an order from this Commission apportioning between it and the City of Baldwin Park (City) the annual maintenance costs of the automatic grade crossing protective devices at its Francisquito Avenue crossing (Crossing No. 6T-19.47-C) in the City.

On December 10, 1964, the Railroad and the City executed an agreement for the installation by the Railroad of automatic grade crossing protective devices, including gates, at the Francisquito Avenue grade crossing.

The agreement provides that the City will reimburse the Railroad for 50 percent of all costs and expenses incurred by the Railroad in connection with the furnishing and installation of the said protective devices, and that:

" . . . Cost of maintaining said crossing signals and appurtenances shall be apportioned between the parties as may be prescribed by law or by agreement of the parties hereto. In the event there shall be no applicable law or agreement so apportioning such costs by June 30, 1965, parties will submit the apportionment of such maintenance expense to the decision of the Public Utilities Commission of the State of California."

<sup>1/</sup> The original agreement was with the Pacific Electric Railway Company, which has been merged with the Railroad.

The protection at the crossing prior to the installation of the automatic protection consisted of two Standard No. 1 crossing signs.

The improved crossing protection was installed voluntarily by the parties (General Order No. 88).

The application alleges that the signal installation which was the subject of the agreement was commenced in August, 1965; that the signal installation was not completed and placed in service until March 14, 1966; that approximately 152 hours of work were performed prior to October 1, 1965; and that approximately 391 hours of work were performed on and after October 1, 1965.

Section 1202.2 of the Public Utilities Code, added in 1965, provides:

"In apportioning the cost of maintenance of automatic grade crossing protection constructed or altered after October 1, 1965 under Section 1202, as between the railroad or street railroad corporations, and the public agencies affected, the Commission shall divide such maintenance cost in the same proportion as the cost of constructing such automatic grade crossing protection is divided . . ."

By Decision No. 72226 dated March 28, 1967, the Commission apportioned maintenance costs on the same percentage basis as construction costs in two instances where part of the alteration of crossing protection was done prior to October 1, 1965 and the work was completed after said date.

The Baldwin Park City Attorney has advised the Commission in writing that it has no objection to the apportionment of maintenance costs on the same basis as the installation costs.

We find that:

1. The division of construction costs of the crossing protective devices at the Francisquito Avenue crossing as set forth in the agreement of December 10, 1964, is reasonable and is hereby approved.

2. The maintenance costs of the crossing protective devices at the Francisquito Avenue crossing should be apportioned 50 percent to the Southern Pacific Company and 50 percent to the City of Baldwin Park in accordance with Section 1202.2 of the Public Utilities Code.

We conclude that the said maintenance costs should be apportioned as set forth in the order herein.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that the cost of maintaining the automatic protection at the Francisquito Avenue crossing (Crossing No. 6T-19.47-C) is apportioned on the basis of 50 percent to be paid by the City of Baldwin Park and 50 percent to be paid by the Southern Pacific Company, said apportionment to be of all maintenance costs commencing on March 14, 1966. Said apportionment is made pursuant to the provisions of Section 1202.2 of the

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Public Utilities Code and allows participation by the City of Baldwin Park in the fund established pursuant to Section 1231.1 of the Public Utilities Code.

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

Dated at San Francisco, California, this 1<sup>st</sup> day of OCTOBER, 1968.

William J. Synnott  
President

William G. Brown

August

Paul P. Morrissey  
Commissioners