

**ORIGINAL**Decision No. 74776

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

ORDER MODIFYING DECISION NO. 74181

The Commission, by Decision No. 74181, dated May 28, 1968, authorized the County of Orange 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, with protection consisting of four Standard No. 8 flashing light signals. The maintenance cost of the automatic protection was ordered to be borne by the railroad. Two of these four signals were already in service at this crossing and had only to be relocated.

It has now been brought to the attention of the Commission by the railroad that these two initial Standard No. 8 flashing light signals were placed in operation on December 30, 1966 with installation having commenced on November 3, 1965. The installation cost of the initial two signals was borne entirely by the county in accord with an agreement, and the installation cost of the subject altered protection was divided equally between the county and railroad by Decision No. 74181. The railroad now requests that the maintenance cost of the protection at this crossing, commencing on December 30, 1966, be apportioned equally between the railroad and the county. This is the basis usually adopted by the Commission where, as in this instance, automatic protection has been constructed after October 1, 1965 replacing fixed crossing signs. The request appears reasonable and Decision No. 74181 should be modified to apportion maintenance costs of the automatic protection equally between the county and railroad.

IT IS ORDERED that the third and fourth paragraphs of Decision No. 74181 be deleted, and that the following paragraph be substituted therefor:

"Commencing December 30, 1966, when automatic protection first became operative, the cost of maintaining automatic protection at Crossing No. 2-181.3-C shall be borne equally by the County of Orange and The Atchison, Topeka and Santa Fe Railway Company, pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

In all other respects, Decision No. 74181 shall remain in full force and effect.

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

Dated at Los Angeles, California, this 8<sup>th</sup> day of OCTOBER, 1968.

William Lyons, Jr.  
President

Ed. Fisher

Stallman's Bennett

Augata

Jack P. Mossesey  
Commissioners