

ORIGINALDecision No. 75264

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

SECOND ORDER MODIFYING DECISION NO. 72225

Decision No. 72225, dated March 28, 1967, established a procedure for making allocations to local agencies under the "Crossing Protection Maintenance Fund" provided for in Public Utilities Code Section 1231.1. Decision No. 73559, dated January 3, 1968, modified Decision No. 72225 to reflect the changes made in Section 1231.1 by 1967 legislation. Section 1231.1 has again been amended, together with Section 1232, by Statutes 1968, Chapter 612, effective November 13, 1968. These two sections now read as follows (additions underlined for 1968 changes):

"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 the street or railroad corporations the share of the cost to cities, counties, and cities and counties of maintaining automatic grade-crossing protection. Payment shall be made on the basis of verified claims filed with the commission by the street or railroad corporation responsible for maintenance of 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 amounts 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.

"1232. At the time the commission makes each allocation under this chapter, it shall so certify to the State Controller. The commission shall present claims for reimbursement of the State's share of the cost of construction of projects under any allocations to the State Controller for payment. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that the money allocated has been expended for the purposes and under the conditions authorized under this chapter; except that prior or subsequent review and approval by the city, county, or city and county in which the grade-crossing protection is maintained of such allocations shall not be required as a condition of disbursement."

The Commission now finds it necessary to further modify Decision No. 72225 in order to establish uniform procedures in conformity with the above 1968 legislation. Good cause appearing,

IT IS ORDERED that ordering paragraphs 4, 5, 6, and 7, and Appendix C, of Decision No. 72225 as amended are hereby rescinded, and the following paragraphs numbered 4, 5, 6 and 7 are hereby substituted therefor:

4. Payment of Public Utilities Code Section 1231.1 funds shall be made only after authorization or approval by this Commission in the form of an order or resolution apportioning maintenance costs of automatic protection between the railroad and the public agency or agencies.
5. Billing for the public agency's share of the cost of maintaining automatic grade crossing protection shall be made by the railroad to the State of California on a calendar year basis. The original bill and three copies shall be submitted to the Public Utilities Commission of the State of California, with one additional copy each to the Department of Public Works and the public agency. Each copy of the first

bill issued for crossing protection maintenance at a crossing shall be supported by a legible copy of a layout sketch substantiating the number of relative units claimed. When there is a change in the type, amount, arrangement, or operation of protection, or when the cost of maintenance is reapportioned to another public agency, each copy of the next ensuing bill shall be supported by a new layout sketch. When there is no such change and sketches have been submitted with a previous bill, no further sketch is required. Where a share of maintenance cost has been apportioned to each of two or more public agencies, bills and sketches shall be issued in connection with each agency as though separate crossings were involved.

6. All pertinent information and calculations shall be shown on detail sheets attached to each bill, and identified by the railroad name and bill number. An authorized official of the railroad shall certify that the bill is correct by signing a certification in the form shown below on the last detail sheet supporting the original bill. His name and title and the date shall be shown in the certification at the bottom of the last page of the detail supporting every copy of the bill. The certification shall read:

I am an officer of the claimant railroad named in the heading hereof, a corporation, and am authorized to make this verification on its behalf. The information shown above, including the amount claimed due, is true and correct, and payment has not been received for the amount claimed herein, or at all.

I declare under penalty of perjury that the foregoing is true and correct.

(Date)

(Signature of Authorized Official)

(Title)

- 7. Upon receipt of the bill, prepared and submitted in accordance with the requirements set forth in this order, the Commission will, after verification, transmit it to the Controller of the State of California with a resolution certifying it for direct payment to the billing railroad.

The Secretary is directed to cause copies of this Order to be mailed to each appearance in Case No. 8249, 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 twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of JANUARY, 1969.

William Synow-J.
President

Augustan

Frank P. Morrissey

V. W. Kennerly

Thomas Moran
Commissioners