

ORIGINAL

Decision No: 77588

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
the City of Claremont to construct
a City road across the Right of Way
of The Atchison, Topeka and Santa Fe
Railway Company and the Southern
Pacific Company at County Line Road.

Application No. 48999

(Filed December 2, 1966)

ORDER RESCINDING
ORDER GRANTING REHEARING

Pursuant to petitions of the Southern Pacific Company
(now Southern Pacific Transportation Company) and of The Atchison,
Topeka and Santa Fe Railway Company, rehearing of Decision
No. 72059 was ordered by Decision No. 72302, dated April 18, 1967.

Decision No. 72059 authorized the City of Claremont to
construct County Line Road at grade across tracks of said railway
companies. It also provided that the City of Claremont

"shall share equally with respective
railroads in the construction and
installation of the automatic protec-
tion to be installed. Maintenance
costs of the automatic protection
shall be borne pursuant to the pro-
visions of Section 1202.2 of the
Public Utilities Code."

A. 48999 hjh *

The rehearing of Decision No. 72059 was ordered for the "limited purpose of determining apportionment of the costs of construction, installation, and maintenance of automatic protection."

The Atchison, Topeka and Santa Fe Railway Company and the Southern Pacific Transportation Company have informed the Commission that they have reached agreements with the City of Claremont that the construction, installation and maintenance costs of the automatic protection in question shall be apportioned equally between the City and the railroad in each case.^{1/}

It appears that apportionment of the automatic protection costs per said agreements would correspond to that prescribed by Decision No. 72059 and that further action thereon is not necessary.

^{1/} Copies of the agreements together with a letter of transmittal thereof are included in the record herein as Exhibit 1.

A. 48999 hjh *

Therefore, IT IS ORDERED that Decision No. 72302 is hereby rescinded.

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

Dated at San Francisco, California, this 11th day of AUGUST, 1970.

Augustin
Chairman

William J. ...

[Signature]
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.