

ORIGINAL

Decision No. 78113

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the County of Orange to alter
a County Road across the Right of
Way of the Southern Pacific
Transportation Company at Fairhaven
Avenue near Orange.

Application No. 51914
(Filed May 19, 1970)

William E. Still, Attorney at Law,
for Southern Pacific Transportation
Company, protestant.
Ronald I. Hollis, for the Commission
staff.

OPINION ON REHEARING

By this application the County of Orange seeks to alter a public highway crossing at Fairhaven Avenue at grade across a track of the Southern Pacific Transportation Company, identified as Crossing No. BM-519.9.

The Commission issued Ex Parte Decision No. 77628, dated August 18, 1970 which among other things, authorized the crossing alterations. The Southern Pacific Transportation Company filed a Petition for Rehearing which was granted by the Commission.

Rehearing of the application was held on November 10, 1970 before Examiner DeWolf at Los Angeles, and submitted on the same date.

The County of Orange was notified of the hearing in accordance with the Commission rules but did not appear.

The Southern Pacific Transportation Company stipulated with the Public Utilities Commission's staff for an amendment to the previous decision as hereinafter ordered, and the Commission staff stated that the County of Orange was advised of this proposed amendment.

The Commission having considered the matter finds and concludes that Decision No. 77628, dated August 18, 1970 should be amended on page 2, paragraph 1, pursuant to the stipulation of the parties as hereinafter set forth.

O R D E R

IT IS ORDERED that Decision No. 77628 dated August 18, 1970 is hereby amended by striking out the first paragraph on page 2 and inserting the following paragraph:

"The cost of installation of the automatic crossing protection shall be divided equally between the County of Orange and the Southern Pacific Transportation Company. 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. Southern Pacific Transportation Company shall bear maintenance cost of the crossing between such lines. Maintenance

cost of the automatic crossing protection shall be divided equally between the County of Orange and the Southern Pacific Transportation Company pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

In all other respects said decision is affirmed and shall remain in full force and effect without any other changes.

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

Dated at San Francisco, California, this 22nd day of DECEMBER, 1970.

[Signature]
Chairman
[Signature]
William James J.
[Signature]
Vernon L. Stinson
Commissioners