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ORIGINAL

Decision No. 78582

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California Department of Public Works for an order authorizing the construction of (1) a crossing at separated grades to be known as "F" Street Underpass" under the tracks of the San Diego and Arizona Eastern Railway Company; (2) to remove the existing crossing at separated grades presently carrying the tracks of the San Diego and Arizona Eastern Railway Company; (3) to construct three new crossings at-grade; (4) to improve three existing crossings at grade; and (5) to close and abandon two existing crossings at-grade all over the tracks of the San Diego and Arizona Eastern Railway Company, in the City of Chula Vista, San Diego County.

Application No. 51457
(Filed November 3, 1969;
Amended December 24, 1969)

FINAL ORDER

By Decision No. 77231 dated May 19, 1970, the State of California Department of Public Works, in connection with the widening of Interstate Freeway Route 5 between 0.3 mile south of Palm Avenue and "E" Street in the City of Chula Vista, San Diego County, was authorized to construct one new crossing at separated grades; to construct three new crossings at grade; to improve three existing crossings at grade; to remove one existing underpass and relocate portion of branch connection track and to close and abandon two existing grade crossings, all located across tracks of the San Diego and Arizona Eastern Railway Company. An agreement had been entered into between the parties relative to construction expense, but the parties were not in agreement as to the apportionment of maintenance expense of the automatic protection to be installed. As a result the Commission indicated that it would apportion the cost of maintenance of the automatic protection by further order.

On May 28, 1970, a petition for rehearing was filed by San Diego and Arizona Eastern Railway. Rehearing was granted by Decision No. 77418 dated June 30, 1970. By letters dated March 2 and 11, 1971, San Diego and Arizona Eastern Railway Company and State of California, Department of Public Works, respectively, indicated that they were willing to accept and would consent to the issuance of an order apportioning the cost of maintaining automatic protection at the new grade crossings of "F" Street and "J" Streets, 100 percent to applicant and the cost of maintaining automatic protection at the rest of the grade crossings involved, 50 percent to San Diego and Arizona Eastern Railway and 50 percent to applicant.

IT IS THEREFORE ORDERED that:

1. The cost of maintaining automatic crossing protection at Crossing No. 36-8.4 "J" Street and Crossing No. 36-7.4 "F" Street shall be paid by the State of California Department of Public Works and the cost of maintaining automatic protection of the rest of the crossings covered by Decision No. 77231 shall be apportioned 50 percent to the State of California Department of Public Works and 50 percent to San Diego and Arizona Eastern Railway Company.

A. 51457 jmd

2. Decision No. 77418 granting rehearing in this matter is hereby vacated, and the Petition for Rehearing of San Diego and Arizona Eastern Railway Company is hereby dismissed.

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

Dated at San Francisco, California, this 20th day of APRIL 1., 1971.

William Lyons, Jr. Chairman
Mark [unclear]
Yunon L. Sturgeon
[Signature] Commissioners

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