

ORIGINAL

Decision No. 78641

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of the CITY OF TUSTIN to construct )	Application No. 52097
a public street across a railroad )	(Petition for
of The Atchison, Topeka and Santa )	Modification)
Fe Railway Company at Bell Avenue, )	(Filed March 12, 1971)
Tustin. )	

SUPPLEMENTAL ORDER

Decision No. 77708 dated September 15, 1970 authorized the City of Tustin to construct Bell Avenue at grade across a track of The Atchison, Topeka and Santa Fe Railway Company.

By this petition the city has requested authority for a crossing of two tracks of the Santa Fe with all additional costs associated with construction of the second track to be borne by the railway. The Commission has been advised that the cost of the additional track was borne entirely by the Santa Fe and the Santa Fe is agreeable to the city's request.

IT IS ORDERED that the first paragraph of the order in Decision No. 77708 which now reads as follows:

"City of Tustin is hereby authorized to construct Bell Avenue at grade across a track of The Atchison, Topeka and Santa Fe Railway Company in the City of Tustin, Orange County, at the location described in the application to be identified as Crossing No. 2-178.5-C."

is hereby amended to read as follows:

"City of Tustin is hereby authorized to construct Bell Avenue at grade across two tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Tustin, Orange County at the location described in the application, as amended, to be identified as Crossing No. 2-178.5-C."

IT IS FURTHER ORDERED that the third paragraph of the order in Decision No. 77708 which reads as follows:

"Applicant shall bear entire expense of construction and installation of automatic protection, also maintenance cost of the crossing outside of lines two feet outside of rails. The Atchison, Topeka and Santa Fe Railway Company shall bear maintenance cost of the crossing between such lines. Maintenance costs of the automatic protection shall be borne by the applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

is hereby amended to read as follows:

"Applicant shall bear the expense of construction across one track and The Atchison, Topeka and Santa Fe Railway Company shall bear the expense of construction across the second track. Applicant shall bear entire expense of installation of automatic protection, also maintenance cost of the crossing outside of lines two feet outside of rails. The Atchison, Topeka and Santa Fe Railway Company shall bear maintenance cost of the crossing between such lines. Maintenance costs of the automatic protection shall be borne by the applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code."

In all other respects Decision No. 77708 shall remain in full force and effect. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 4<sup>th</sup> day of MAY 1971.

*J. P. ...*  
Chairman  
*William J. ...*  
*...*  
*...*  
Commissioners