| | | ORIGINAL |
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| Decision No. 78719 | | |
| BEFORE THE PUBLIC UTILITIES COMMISSION | OF T | HE 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 aucomatic crossing protection. | | Case No. 8249 |
| Application of County of Monterey to reconstruct Grade Crossing No. E-133.9, Corda County Road, across right of way of the Southern Pacific Company. | } | Application No. 45058 |
| and following proceedings wherein petitions for modification have been filed: | | |
| County of Monterey, Espinosa Road City of Davis, Fifth Street City of Anabeim, Katella Avenue Various crossings of SP Co., UPR Co., and The AT&SF Rwy. Co. Crossings of PE Rwy.Co.,La Verne and Pomona. | ~~~~~ | Application No. 45735 Application No. 45895 Application No. 46574 Case No. 7521 Case No. 7739 |
| Investigation of crossing of The Atchison, Topeka and Santa Fe Railway Company at Lovekin Boulevard, Riverside County. |) } } | Case No. 8063 |
| and following proceedings wherein allocation of maintenance costs has been deferred: | a | |
| City of Los Angeles, Alcazar Street County of Merced, Shaefer County of Stanislaus, Kiernan Avenue City of Riverside, Kansas Avenue | } | Application No. 46864 Case No. 7983 Case No. 7982 Case No. 8057 |
| City of San Jose, Stokes Street Same City of Los Angeles, Woodman Avenue | Ş | Application No. 45927 Case No. 7872 |
| City of Industry, Amar Road City of Brawley, K Street San Fernando Road, Los Angeles | \$ }. | Application No. 46151 Case No. 8107 Case No. 8108 Case No. 7999 |
| City of San Jose, Santa Clara Street City of Azusa, Todd Avenue City of Guadalupe crossings City of Tehachapi crossings City of Downey, Woodruff Street | | Application No. 47421 Application No. 46376 Case No. 7405 Case No. 8082 Case No. 8110 |
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SUPPLEMENTAL OPINION AND ORDER

Decision No. 72225 in Case No. 8249 dated March 28, 1967, established procedures for making allocation to local agencies under the "Crossing Maintenance Fund" provided for in the Public Utilities Code Section 1231.1. $\frac{1}{}$

Decision No. 72226 dated March 23, 1967, in Application No. 45058 et al, among other things, provided an interpretation of the language of Public Utilities Code Section 1202.2 as to what constitutes an alteration of automatic grade crossing protection. Eowever, the meaning of the term "altered" has been questioned since these decisions were issued.

Upon overtures from the Department of Public Works for clarification of this question, the staff held meetings with various interested parties commencing in June 1970. As a result of these meetings, the staff drafted a proposed solution and submitted it to the Department and the railroads for review and comment.

Subsequently, at further meetings between representatives ' of the staff, the Department of Public Works, Southern Pacific Transportation Company, The Western Pacific Railroad Company, Union Pacific Railroad Company, and The Atchison, Topeka and Santa Fe Railway Company a revision of the staff draft was developed which set forth the conditions which would qualify a project as an altered grade crossing under Section 1202.2. All parties of record in this proceeding were apprised of the suggested revised definition of the

/ Decision No. 72225 has been modified by Decision No. 73559, dated January 3, 1963 and Decision No. 75264 dated January 23, 1969. term "altered" by letter of January 29, 1971, as follows:

"Gentlemen:

"This refers to the further meeting held on January 19, 1971, in the Commission's offices in San Francisco regarding the administration of the Grade Crossing Maintenance Fund and the question of what constitutes 'altered' protection as that term is used in the first sentence of Section 1202.2.

"The participants at the meeting tentatively concluded that only the following should qualify a grade crossing project for funds pursuant to Section 1202.2 of the Public Utilities Code as 'altered' protection:

- "1. Where Standard No. 8 flashing light signals are installed replacing a lesser type of automatic protection (General Order No. 75-B, Nos. 3, 4, 5, 6 or 7).
- "2. Where automatic gate or gates are installed whore a lesser type of automatic protection is in place (General Order No. 75-B, Nos. 3, 4, 5, 6, 7 or 3), or where additional automatic gate or gates are installed.
- "3. Where a cantilever or cantilevers with flashing light signals are installed at a crossing which is also protected by Standard No. 8 flashing light signals or automatic gate or gates.
- "It is further concluded that no steps will be taken to amend orders or resolutions of the Commission which have already apportioned maintenance costs.

"Your concurrence or comments with respect to the foregoing conclusions are requested. In the event full concurrence is received from the parties in the revised basis for qualifying a grade crossing for maintenance funds, the staff will recommend an ex parte order to the Commission recommending their adoption in place of any current standard. This letter is also being sent to the parties of record in Application No. 4505C, et al, in the event they may have some representation to make in this matter.

"It is understood, of course, that the actual amount of maintenance money, if any, to be paid to the railroad for a qualifying project will be determined as it has been in the past, in accordance with Section 1202.2."

The foregoing letter, in listing qualifying altered grade crossing protection, eliminated predictors.

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Replies have been received from the League of California Cities, the County of Los Angeles, the City of Los Angeles, the California Department of Public Works, the California Railroad Association, Burlington Northern, The Atchison, Topeka and Santa Fe Railway Company, Southern Pacific Transportation Company, Union Pacific Railroad Company and The Western Pacific Railroad Company. All of these parties either concurred or had no objection to the proposal.

The proposed revision of the standards for determining what constitutes an altered crossing pursuant to Section 1202.2 has been worked out through conferences and correspondence between the staff, the Department of Public Works and other interested parties. No party of record has offered an objection to the adoption of the proposal.

The Commission finds that the foregoing proposal is not inconsistent with the conclusions reached in Decision No. 72226, supra, and that it would result in desirable clarification.

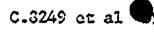
The Commission concludes that the proposed definition of "altered" protection should be adopted for the future for the purposes of apportioning maintenance costs under Section 1202.2 and that Decision No. 72226, supra, should be amended accordingly.

IT IS ORDERED that:

1. Only the following shall constitute altered automatic grade crossing protection pursuant to Section 1202.2 of the Public Utilities Code:

a. Where Standard No. 8 flashing light signals are installed replacing a lesser type of automatic protection (General Order No. 75-B, Nos. 3, 4, 5, 6 or 7).

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- b. Where automatic gate or gates are installed where a lesser type of automatic protection is in place (General Order No. 75-B, Nos. 3, 4, 5, 6, 7 or 8), or where additional automatic gate or gates are installed.
- c. Where a cantilever or cantilevers with flashing light signals are installed at a crossing which is also protected by Standard No. 3 flashing light signals or automatic gate or gates.

2. In all other respects Decision No. 72226 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 | _25-th |
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Chairman

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