

Decision No. 78030

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the safety, maintenance, operation, use and protection of all public grade crossings over the Southern Pacific Company's El Paso Line between Los Angeles and Ontario, the Union Pacific Railroad Company's main line between Los Angeles and Ontario, and The Atchison, Topeka and Santa Fe Railway Company's main line between Los Angeles and Upland and between Los Angeles and La Mirada.

Case No. 7521

ORDER DENYING REHEARING

The Atchison, Topeka and Santa Fe Railway Company, having filed a petition for rehearing of Decision No. 78680, the Commission having considered each and every allegation therein, and being of the opinion that no good grounds for rehearing are set forth,

IT IS ORDERED that rehearing of Decision No. 78680 is hereby denied.

Dated at San Francisco, California; this 10th day of AUGUST, 1971.

I dissent
William J. ...
Chairman

~~William J. ...~~
 _____ Chairman
William J. ...

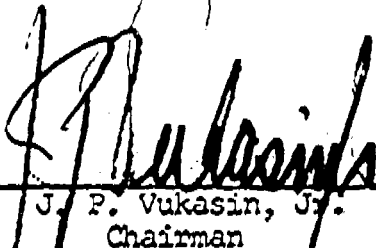
Thomas L. ...

 _____ Commissioners

J. P. VUKASIN, JR., CHAIRMAN, DISSENTING OPINION

I dissent.

Rehearing should be granted. The record shows that the adjustment in the crossing circuitry resulted from the improvement of Arrow Highway, including the installation of traffic signals at the "E" Street intersection in La Verne. The Commission in Decision No. 67887, dated September 22, 1964, in Case No. 7521, authorized The Atchison, Topeka and Santa Fe Railway Company to operate at its present speed. It does not appear equitable to penalize the railway for complying with an order of the Commission. In addition, Decision No. 67887 in ordering paragraph 8 states that any installation cost for additional signal work at the "E" Street crossing shall be apportioned 50 percent to the railway involved and 50 percent to the public agency involved. Decision No. 78680, which is the subject of this petition, is not in harmony with the previous Commission action. Under the circumstances, a rehearing should be granted.



J. P. Vukasin, Jr.
Chairman

San Francisco, California

August 10, 1971