

ORIGINAL

Decision No. 85439

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of)
 the City of Milpitas for permission to)
 widen a crossing at grade of the)
 tracks of the Western Pacific Railroad) Application No. 55370
 Company in the City of Milpitas, County)
 of Santa Clara, State of California,)
 in accordance with Sections 1201)
 to 1202.1 of the Public Utilities Code.)

SUPPLEMENTAL ORDER

By Decision No. 84219, dated March 25, 1975 in Application No. 55370 the Commission granted the City of Milpitas authority to widen and upgrade the protection of the Capitol Avenue Crossing, Public Utilities Commission Crossing No. 4G-12.6, of The Western Pacific Railroad Company in the City of Milpitas, Santa Clara County, with the issues of cost apportionment to be decided by further order of the Commission. By letters dated December 29 and December 31, 1975, respectively, The Western Pacific Railroad and the City of Milpitas have indicated that they are now in agreement with respect to the installation and maintenance cost of the four Standard No. 9 signals (General Order No. 75-C) authorized by Decision No. 84219.

IT IS ORDERED that the portions of Decision No. 84219, which read as follows shall be deleted:

"FINDINGS

6. The issues concerning apportionment of costs for improving the crossing and for installation and maintenance of the automatic crossing protection should be set for public hearing.

"ORDER

6. The issues of cost apportionment for improvement of the crossing and for installation and maintenance of the automatic crossing protection shall be decided by further order of the Commission after public hearing at a time and place to be designated so that all interested parties may appear and be heard. All interested

parties shall be notified of the time and place set for hearings by the Secretary of the Commission."

IT IS FURTHER ORDERED that Decision No. 84219 shall be amended as follows:

FINDINGS

6. Cost of widening the Capitol Avenue crossing should be borne in accordance with an agreement to be entered into between the parties relative thereto.

7. Installation cost of the automatic protection should be borne in accordance with the provisions of Section 203 of the 1973 Federal Highway Safety Act.

8. Maintenance costs of the automatic protection should be shared equally by the applicant and the railroad.

ORDER

6. Construction expense of widening the crossing shall be borne in accordance with an agreement entered into between the applicant and the railroad, and a copy of said agreement, together with construction plans of the crossing approved by The Western Pacific Railroad Company, shall be filed with the Commission prior to commencing construction.


7. Installation cost of the automatic protection shall be borne in accordance with the provisions of Section 203 of the 1973 Federal Highway Safety Act.

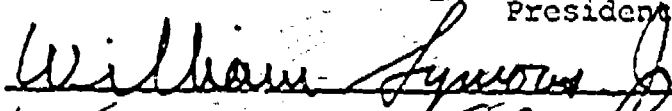
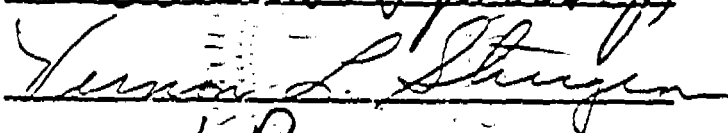
8. Maintenance cost of the automatic protection shall be shared equally by applicant and the railroad pursuant to the provisions of Section 1202.2 of the Public Utilities Code.


In all other respects Decision No. 84219 shall remain in full force and effect.

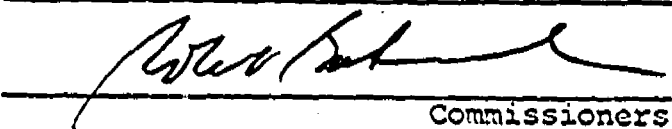
The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 10th day of FEBRUARY, 1976.



President







Commissioners