

ORIGINAL

Decision No. 41171

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Freight Lines, a corporation,)
Complainant,)

vs.)

Case No. 4835

City of Vernon, a municipal corpora-)
tion, City of Los Angeles, a municipal)
corporation, Pacific Electric Railway)
Company, a corporation, Southern)
Pacific Company, a corporation,)

Defendants.)

In the Matter of the investigation on)
the Commission's own motion into the)
adequacy of existing protection at)
certain grade crossings of Alameda)
Street and tracks of Southern Pacific)
Company; the necessity for additional)
protection, etc., of signals, etc.)

Case No. 4899

Gordon & Knapp, by Hugh Gordon and Sanford A. Waugh)
for Pacific Freight Lines, complainant. Thomas V. Cassidy, City)
Attorney, by Edward R. Young, E. L. Searle, and John F. O'Hara)
for the City of Vernon; R. E. Wedeking for Southern Pacific Company)
and Southern Pacific Railroad Company; E. L. H. Pissinger for)
Southern Pacific Company, Southern Pacific Railroad Company, and)
Pacific Electric Railway Company; Roger Arnebergh for the City)
of Los Angeles, defendants. R. P. Cassidy of the Commission's staff.)

OPINION ON REHEARING

The original hearing in this matter was held in Los Angeles on August 5 to 8, inclusive, 1947, and resulted in Decision No. 40858, dated October 28, 1947, the Order therein to become effective twenty (20) days from the date of issuance. Because of a petition filed

November 17, 1947, by the City of Vernon, a rehearing was held in Los Angeles on December 10, 1947.

No additional evidence was adduced at the rehearing but rather, various objections to the Order of October 28, 1947, were presented. The City of Vernon again challenged the jurisdiction of the Commission so far as the municipalities in this proceeding are concerned. The other defendants contended that there should be adequate assurance as to the completion of the entire project herein involved, before any defendant is required to perform any part of the project.

In view of this record we have decided to reaffirm all of the "Opinion" as set out in the previous decision but to amend the "Order". Therefore, we specifically adopt and make a part hereof all of Decision No. 40858, except as amended by the following Order.

ORDER ON REHEARING

A complaint having been filed in Case No. 4835, the Commission having instituted an investigation on its own motion in Case No. 4899, the matters having been consolidated and a public hearing and rehearing having been held thereon, the matters having been submitted, the Commission being fully advised in the premises,

IT IS HEREBY FOUND that the existing protective and traffic control devices now located at the several grade crossings and intersections more particularly described in the Opinion part

of Decision No. 40858, dated October 28, 1947, do not afford adequate protection to the public; that each of said crossings and intersections is unduly hazardous, and that public safety, necessity, and convenience require the installation and synchronization of adequate protective safety and traffic signaling devices.

NOW, THEREFORE, good cause appearing,

IT IS HEREBY ORDERED that the Southern Pacific Company, the City of Los Angeles, and the City of Vernon be, and they hereby are, directed to construct and install a grade crossing protective signaling system consisting of the following items of improvement:

1. Installation of:
 - (a) four traffic signals and one wigwag at crossing No. BG-485.6, located at Alameda and 25th Street in Vernon (24th Street in Los Angeles);
 - (b) six traffic signals and two wigwags at crossing No. BG-486.0, located at Alameda and 38th Street in Vernon (41st Street in Los Angeles);
 - (c) six traffic signals and two wigwags at crossing No. BG-486.3, located at Alameda and Vernon Avenue;
 - (d) six traffic signals and two wigwags at crossing No. BG-487.1, located at Alameda and 55th Street.
2. installation of directional track circuits to control wigwags and signals at each of the four crossings involved, together with synchronized control of such signals; such installation to be on the basis of single-track (either-way) operation on each track;
3. construction of flared curbs to provide clearance for the erection of wigwags and traffic signals adjacent to the track section at each of the four crossings involved;

4. construction incident to the synchronization of the traffic signals at 25th Street with the manually operated gates at the grade crossing of Pacific Electric Railway Company's Butte Street Yard Line tracks across Alameda Street, located about 250 feet north of 25th Street;
5. preparation of the track area to receive pavement for a distance of 250 feet south of the south line of 25th Street, along Alameda Street.
6. construction of an asphalt-concrete pavement over the track area described in paragraph 5.

IT IS FURTHER ORDERED that materials are to be supplied and work performed as follows:

1. Southern Pacific Company

Furnish materials and perform all work within the railroad right of way, including installing and/or relocating any existing wigwags or railroad signals;

furnish materials and install pavement along the track area referred to above from 25th Street to a point 250 feet south thereof.

2. City of Los Angeles

Furnish materials and install all traffic signals and those portions of the circuits outside the railroad right of way and located in the City of Los Angeles.

3. City of Vernon

Furnish materials and install:

(a) all traffic signals and those portions of the circuits outside the railroad right of way and located in the City of Vernon. This shall include the paved portions of the intersections concerned, located in the City of Vernon;

(b) flared curbs to provide a location for wigwags and traffic signals at each of the four crossings involved.

4. Any party or parties herein ordered to furnish materials or effect installations may, if the parties concerned are agreeable, make arrangements to have someone else furnish such materials or effect such installations. However, any arrangements so made shall not relieve such party or parties of the responsibilities as herein set out to effect satisfactory completion of the project.

IT IS FURTHER ORDERED that each of the parties hereinabove ordered to furnish material or perform work shall keep an itemized record of its actual out-of-pocket costs which shall include superintendence, materials, handling, installation, freight and other transportation charges, insurance, and taxes, but without overheads or other accounts which cannot be definitely assigned as out-of-pocket costs resulting from providing the materials and performing the actual work, and that these costs shall be borne equally by the Southern Pacific Company, the City of Los Angeles, and the City of Vernon. Each of the above three shall maintain, and make available to the other parties, an itemized statement of these actual out-of-pocket costs, and any disagreement as to the inclusion of any item, or the amount of the same as properly chargeable to this grade crossing protective program shall be referred to the California Public Utilities Commission for determination.

IT IS FURTHER ORDERED that the parties shall have the following responsibilities as to the maintenance of the facilities involved:

1. Southern Pacific Company

- (a) to maintain all signals, circuits, and wigwags within the railroad right of way;
- (b) to maintain that portion of the pavement between lines two feet outside the outside rails from the south line of 25th Street south a distance of 250 feet.

2. City of Los Angeles

to maintain all traffic signal facilities within the City of Los Angeles

3. City of Vernon

to maintain all traffic signal facilities within the City of Vernon.

IT IS FURTHER ORDERED that the above-named parties shall complete the work required by the terms of this Order within ninety (90) days from the effective date hereof. Should any party be prevented from complying with the terms of this Order because of material shortages, the unwillingness or inability of any other party to perform, or for any other good and valid reason, the time for compliance may be extended upon proper application and sufficient showing before this Commission.

Within fifteen (15) days from the date of completion of said construction work, said parties shall file with this Commission a full and complete report concerning the work performed, and describing in detail the protective and safety devices installed.

IT IS FURTHER ORDERED that the Secretary of this Commission shall, in addition to the parties usually served, serve copies of this decision on the duly constituted officials of the Cities of Los Angeles and Vernon, including the following:

Officials of Los Angeles:

The Mayor and the President and members of the City Council.

Officials of Vernon:

The Mayor and the members of the City Council.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of January, 1948.

R. J. Zimmerman
Harold P. Kule
Harold P. Kule
Harold P. Kule
COMMISSIONERS