

ORIGINALDecision No. 50168

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the City of Covina to construct)
a public highway across a railroad) Application No. 34881
under Sections 1201-5 of the Public)
Utilities Code.)

Maurice O'Connor for applicant City of Covina, Walter A. Steiger for the Pacific Electric Railway Company, interested party, Howard F. Christenson for the Public Utilities Commission.

O P I N I O N

By Decision No. 49597, dated January 26, 1954, the Commission, by ex parte order, authorized the City of Covina to construct Barranca Street at grade across the San Bernardino Line of the Pacific Electric Railway Company in the City of Covina, Los Angeles County, at the location described in the application, to be identified as Crossing No. 6T-22.23. The Commission ordered that the City of Covina bear the entire costs of construction and also maintenance costs outside of lines two feet outside of rails. The Pacific Electric Railway Company was ordered to bear maintenance costs between such lines.

Upon petition of the City of Covina said order was vacated by Decision No. 49713, dated February 23, 1954, and the application was later set for hearing to permit the said city to introduce evidence for the purpose of showing that it should not be required to bear the entire construction cost.

A public hearing was held at Covina on April 29, 1954 before Examiner Chiesa. Oral and documentary evidence having been adduced the matter was submitted for decision.

The city's assistant engineer, its street superintendent, two property owners, and the manager of the Covina Division of the Exchange Lemon Products Company were called to testify in support of the city's position that the Pacific Electric Railway Company should "bear its proportional share of the cost" of constructing said crossing.

The assistant city engineer testified that pursuant to an ordinance adopted February 22, 1948, the city zoned the property situated in the immediate vicinity of the proposed crossing for heavy and light manufacturing (Exhibit No. 1). The owner of the property situated at the northeast corner of the proposed crossing (zoned M-1) testified that he would donate land for the Barranca Street extension north of the tracks and that he would sell, lease, or develop his property, consisting of nine acres, for industrial purposes. The land is now used for farming and there are no present commitments for the industrialization of said property. He also testified that rain waters sometimes flow across his property to the railroad right of way and on occasion flow across the tracks. A third witness testified that he owns property 600 feet east of the proposed crossing and adjoining the railroad right of way on the north, and that he proposes to develop said property for industrial purposes. The property is now used as agricultural land. No definite plans for development were indicated. A fourth witness, the manager of a citrus packing plant situated on property north and west of the proposed crossing, testified that the plant has been operating since 1948 and that it now uses the present rail facilities of the Pacific Electric Railway Company, as well as the services of motor trucking concerns. The street superintendent testified that property in the vicinity of said proposed crossing, including the railroad right of way, is subject to

flooding due to heavy rains; that drainage facilities will be required if the crossing is constructed, and that such improvement would benefit the railroad.

Two witnesses appeared in opposition to the development of the land for industrial purposes, a point not in issue in this proceeding.

A representative of the railroad testified that the construction of the crossing was not opposed because it had been recommended for future development as a semi-major highway by a sub-committee of the Los Angeles County Grade Crossing Committee; that the Pacific Electric Railway Company objected to the sharing of any of the costs of construction; that the surrounding area is agricultural and residential in character; that the railroad would derive very little, if any, financial benefit from the construction of said crossing, and that if the crossing is constructed the annual cost of maintenance to the railroad would be approximately \$458.00.

The Commission having fully considered the evidence of record finds that the construction of Barranca Street at grade across tracks of the Pacific Electric Railway Company in the City of Covina, Los Angeles County, is in the public interest and therefore the application will be granted. The Commission is unable to find justification for apportioning any of the construction costs to the Pacific Electric Railway Company. The costs of construction and maintenance of said crossing shall be borne as hereinafter set forth.

O R D E R

Application having been made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That the City of Covina is authorized to construct Barranca Street at grade across the San Bernardino Line of Pacific Electric Railway Company in the City of Covina, Los Angeles County, at the location described in the application, to be identified as Crossing No. 6T-22.23. Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Pacific Electric Railway shall bear maintenance cost between such lines. Width of crossing shall be not less than 60 feet and grades of approach not greater than three per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B).

(2) That within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if

public convenience, necessity, or safety so require.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 18 day of June, 1954.

John E. Mitchell
President

Samuel Pottel

Gene Higgins

Commissioners

Justus F. Craemer
Commissioner....., being
necessarily absent, did not participate
in the disposition of this proceeding.