

ORIGINAL

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Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE CITY OF LOS ANGELES, a municipal corporation, to construct Tujunga Avenue at grade across the tracks of the Coast Line of the Southern Pacific Company, being Crossing No. E-459.1.

Application No. 39208

Commission investigation into that grade crossing located at the intersection of Vineland Avenue and the tracks of the Southern Pacific Company in the City of Los Angeles, being Crossing No. E-459.6.

Case No. 6144

E. D. Yeomans and Walt A. Steiger, by Walt A. Steiger, for Southern Pacific Company, protestant.
A. E. Campbell, Assistant City Attorney, City of Los Angeles; T. V. Tarbet, Department of Public Utilities and Transportation, City of Los Angeles, for the City of Los Angeles; G. R. Mitchell, for the Brotherhood of Locomotive Engineers, interested parties.
Martin T. Porter, for the Commission staff.

O P I N I O N

Public hearing in these matters was held on November 14, 1958, in Los Angeles before Examiner Grant E. Syphers at which time evidence was adduced and the matter submitted.

By Decision No. 56373, dated March 17, 1958, in Application No. 39208, the City of Los Angeles was authorized to construct Tujunga Avenue at grade across the Coast Line tracks of the Southern Pacific Company. Certain conditions were set up relative to this construction and, in particular, it was provided that there should be

installed "two Standard No. 8 flashing light signals as specified in General Order No. 75-B." Additionally the order provided, as a condition precedent to the construction of the Tujunga Avenue crossing, that the crossing at Vineland Avenue and the Southern Pacific Company tracks should be widened and improved as specified in the decision, and it was also provided that there should be installed at Vineland Avenue, "two Standard No. 8 flashing light signals as specified in General Order No. 75-B, supplemented by automatic crossing gates."

On March 26, 1958, the Southern Pacific Company filed a petition for rehearing alleging that the authorization to construct the Tujunga Avenue crossing was not supported by the evidence and, further, that the order relating to Vineland Avenue was beyond the scope of the proceeding. On April 4, 1958, the City of Los Angeles filed a reply to the petition for rehearing, requesting that it be denied.

By Decision No. 56565, dated April 22, 1958, in Application No. 39208, the petition for rehearing was denied. However, that same decision amended Decision No. 56373, supra, by striking therefrom the requirements as to the improvement and installation of signals and automatic crossing gates at Vineland Avenue. Subsequently, on July 8, 1958, the proceeding was reopened for further hearing, said reopening being "limited to the question of whether automatic crossing gates should be installed at Tujunga Avenue crossing rather than flashing light signals, and to the apportionment of the cost of the installation and maintenance thereof."

On September 22, 1958, the Southern Pacific Company petitioned to have the matter reopened for further hearing without limitation, and on September 29, 1958, the City of Los Angeles answered said petition requesting that it be denied.

Case No. 6144 results from an order of investigation of this Commission, dated July 7, 1958, inquiring into the "safety, maintenance, operation, use and protection" of the grade crossing at Vineland Avenue. At the hearing on November 14, 1958, Application No. 39208 and Case No. 6144 were consolidated.

The evidence shows that the crossing at Vineland Avenue presently is in use and the crossing protection consists of two Standard No. 4 wigwag signals. There is as yet no crossing at Tujunga Avenue.

Evidence presented by an engineer of the Commission staff disclosed the details of the two crossings relative to visibility, the number of accidents which have been experienced there, the daily train movements, and the increasing vehicular traffic. The staff engineer recommended that Vineland Avenue should be widened to 48 feet with a divider strip in the center and sidewalks on both sides of the street, and likewise that Tujunga Avenue crossing when constructed should be 48 feet wide with a divider strip in the center. It was recommended by this witness that both crossings should be protected by automatic crossing gates. He further presented evidence indicating that on those crossings where automatic gates have been installed, the accident rate has greatly diminished.

The Southern Pacific Company presented testimony as to the relative cost of the installation and maintenance of flashing light

signals as compared with crossing gates. At Tujunga Avenue the cost for installation and maintenance, capitalized at 5 percent, of light signals was estimated at \$26,140, while similar cost for gates was estimated at \$52,460. At Vineland Avenue the cost of flashing lights was estimated at \$16,010, and for automatic crossing gates at \$46,400.

Additional testimony by the railroad pointed out that where there have been installations of automatic gates there has been a large number of accidents wherein a vehicle has struck the gate. As a matter of fact, these accidents cost the railroad about \$300 per year per gate installation.

There is an existing agreement between the Southern Pacific Company and the City of Los Angeles whereby the costs of construction of signals at grade crossings are allocated. However, this agreement is silent as to maintenance costs and it has been the practice of the railroad to maintain the signals. The position of the railroad in this hearing was that these maintenance costs should be shared by the City. The railroad now is attempting to negotiate an agreement with the City in this respect.

Based on the evidence presented in this case, we now find and conclude that automatic crossing gates should be installed at both crossings. The passenger trains operating on this track attains speeds of 79 miles per hour, and the freight trains, speeds of 55 miles per hour. There is no question but that the vehicular traffic in the area is increasing and further that the installation of automatic crossing gates has reduced

accidents at other crossings. While it is true that the use of such gates does result in accidents between vehicles and the gates themselves, we are of the opinion that this type of accident is extremely minor as compared to possible collisions between vehicles and trains.

Both the City of Los Angeles and the Southern Pacific Company concurred in a recommendation that the matter of maintenance costs of signals be left open so that the parties can attempt to negotiate them and that if the negotiations are unsuccessful, the matter might then again be referred to the Commission. The ensuing order will so provide.

The petition of the Southern Pacific Company for reopening of the matter without limitation will be denied. The physical evidence relative to the crossings herein involved was previously heard on Application No. 39208.

O R D E R

Decision No. 56373 having been issued, an order reopening said decision for specified limited purposes having been issued, an order of investigation in Case No. 6144 having been issued, public hearing having been held, and the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED:

(1) That the City of Los Angeles be, and it hereby is, authorized to construct Tujunga Avenue at grade across the Coast Line tracks of Southern Pacific Company substantially in the manner and at the location described in the application, said crossing to be

identified as Crossing No. E-459.1. Width of crossing shall be not less than 48 feet and grades of approach not greater than six percent, and sidewalks not less than five feet in width shall also be constructed along the approaches on both sides of the street and across the railroad right of way. 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 as specified in General Order No. 75-B, supplemented by automatic crossing gates.

(2) That the authority hereinabove granted in paragraph (1) of this order shall not become effective for any purpose unless the City of Los Angeles and/or Southern Pacific Company shall, prior to or concurrently with the construction of the Tujunga Avenue Crossing, widen the Vineland Avenue Crossing No. E-459.6 and its approaches to a minimum of 48 feet, with grades of approach not to exceed six percent, provide at least one pedestrian crossing of a minimum width of five feet, and also replace the existing two wigwags with two Standard No. 8 flashing light signals as specified in General Order No. 75-B, supplemented by automatic crossing gates.

(3) That the costs of construction shall be borne in accordance with the existing agreement between the City of Los Angeles and the Southern Pacific Company. Maintenance costs of the street approaches outside of lines two feet outside of rails shall be borne by the City of Los Angeles and between such lines by Southern Pacific Company. If the parties are unable to agree upon any division of maintenance costs of signals, the matter may again be referred to this Commission.

(4) That the petition for reopening without limitation, filed by the Southern Pacific Company in Application No. 39208, be and it hereby is denied.

Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authority shall expire if not exercised within one year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified in the event that public convenience and 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 30th day of December, 1958.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners