

ORIGINALDecision No. 70027

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF STANTON,
CALIFORNIA, for an order apportioning
the cost of widening of Cerritos Avenue
at the existing crossing at grade of the
branchline track of PACIFIC ELECTRIC
RAILWAY COMPANY, at Crossing No. 6N 24.23
in the City of Stanton.

Application No. 47566
(Filed May 7, 1965)

Fred D. Johnston and E. M. Herrell, for applicant.

Walt A. Steiger, for Southern Pacific Company,
successor to Pacific Electric Railway Company,
interested party.

John P. Ukleja, for the Commission staff.

O P I N I O N

By this application the City of Stanton seeks an order authorizing the relocation of crossing protection at Crossing No. 6N-24.23 and the apportionment of the cost thereof.

A public hearing was held before Examiner Gravelle in Los Angeles on August 16, 1965 and the matter was submitted on said date.

At the hearing it became clear that the issues to be considered were:

1. The location of the protection.
2. The apportionment of the cost thereof.

Toward the end of the hearing the representatives of the City agreed that they would accept the location of the protection as suggested by the Railroad but still contended that the cost of such protection should not be borne 100 percent by the City.

The Railroad's position was that any change in protection, as far as location was concerned, had to be governed by General Order No. 75-B issued by this Commission. Said general order establishes the distance from curb, or roadway in the absence of curb, within which the protection must be placed.

The present protection is by Standard No. 8 flashing lights with side of street installation. The roadway is to be widened at the crossing hence the necessity for relocation. The reason given for the widening of the roadway is to accommodate an increase in vehicular movements.

The City maintained that the existing type of protection would be adequate when moved further from the center of the roadway. The Railroad insisted that the Standard No. 8 signals should be augmented by the addition of crossing gates.

It was the Railroad's position that the City, being the applicant, should bear 100 percent of the cost of relocating and upgrading the protection at the instant crossing. The argument for such a result is based in the main on the "understanding" between the Railroads and the State Division of Highways to the effect that applicants for "major" upgrading of crossing protection should bear the entire cost thereof. The City of Stanton is not a party to that "understanding" and cannot be bound thereby. The Railroad has adopted the policy, however, of applying that "understanding" uniformly to municipalities in order that problems of discrimination among such municipalities might be avoided.

It was the position of the City that the Railroad should bear a portion of the costs in this case because the Railroad had delayed the widening of this crossing for over a year causing a bottleneck at the crossing. There are four lanes of traffic on either side of the crossing but the crossing itself presently has only two lanes. The City introduced Exhibits Nos. 1 through 17 in an effort to show the delay occasioned by the Railroad. The City further contended that it was the Railroad that originally (in 1962) insisted on the installation of Standard No. 8 signals instead of some lesser protection and that it is the Railroad now who is

insisting on the augmentation of the Standard No. 8 signals with crossing gates. The cost of gates alone was estimated at \$11,550 and the cost of relocating and installing with gates was estimated at \$13,880 by a Railroad witness.

It was stipulated that the present Standard No. 8 signals had been installed in 1963 and that the cost thereof had been shared at that time on a 50-50 basis between the City and the Railroad.

After consideration the Commission finds that:

1. No discrimination will result from the apportionment of the cost of relocating and upgrading the protection at the crossing involved herein.

2. The installation cost of the existing protection at the instant crossing was shared fifty percent by the Pacific Electric Railway Company and fifty percent by the City of Stanton.

3. Public safety and convenience require authorization for relocation of the crossing protection at Crossing No. 6N-24.23 in the City of Stanton should be granted; said protection should consist of two Standard No. 8 flashing light signals augmented with automatic crossing gates; and construction should be in conformance with General Order No. 75-B of this Commission.

4. The cost of installation and maintenance of automatic grade crossing protection should be borne fifty percent by the City of Stanton and fifty percent by the Southern Pacific Company.

O R D E R

IT IS ORDERED that:

1. The City of Stanton is authorized to widen and improve the grade crossing of Cerritos Avenue (Crossing No. 6N-24.23) and the track of the Southern Pacific Company, successor by merger to the Pacific Electric Railway Company, substantially in the manner and in accordance with the plans introduced in this proceeding, subject to the conditions as herein set forth.

2. The work required to be performed at said crossing between lines two feet outside of rails and the work of installing signals and automatic crossing gates shall be performed by Southern Pacific Company.

3. Southern Pacific Company shall bear the entire cost of preparing the track to receive the pavement for the widened portions of the crossing between lines two feet outside of rails and the full cost of improving the present crossing between such lines.

4. The maintenance cost of the crossing between lines two feet outside of rails shall be borne by the Southern Pacific Company.

5. The City of Stanton shall perform the remainder of the work and shall bear the remainder of the expense of constructing and maintaining the proposed widened crossing and approaches.

6. The protection at said crossing shall consist of two Standard No. 8 flashing light signals augmented with automatic crossing gates.

7. The installation of the automatic crossing protection at said crossing shall be in conformance with General Order No. 75-B.

8. The cost of installation of the herein authorized automatic crossing protection shall be borne fifty percent by the City of Stanton and fifty percent by the Southern Pacific Company.

9. The maintenance costs for said protective devices shall be divided in the same proportion as the cost of construction has been apportioned herein, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

10. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing.

11. The authorization herein granted shall expire if not exercised within two years, unless time be extended or if conditions are not complied with.

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

Dated at San Francisco, California, this 30th day of NOVEMBER, 1965.

Fredrick B. Halbach
President
John C. McNeill
George G. Hoover
William A. Brown

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.