

ORIGINAL

Decision No. 70210

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the manner and point of crossing, terms of installation, operation, maintenance, use and protection of proposed crossings of the tracks of SOUTHERN PACIFIC COMPANY between Mile Post 414.3 in the City of Palmdale, and Mile Post 492.7 in the City of San Bernardino, California, on their new Palmdale-Colton cutoff in Los Angeles and San Bernardino Counties.

Case No. 8214
Filed June 29, 1965
And related Applications
Nos. 47510, 47511, 47514,
47544, 47621, 47636,
47644, 47671.

Appearances same as first Interim Opinion

SECOND INTERIM OPINION

After notice to all affected parties all matters listed above were consolidated for hearings and hearings were held in Los Angeles before Examiner Rogers on October 13, 14 and 15, 1965. Certain of the crossings involved have been heretofore authorized (Decision No. 69865, dated October 26, 1965, in Application No. 45889; Decision No. 70064, dated December 7, 1965, in Case No. 8214 and applications listed above).

On November 2, 1965, the applicant and the County of Los Angeles filed a stipulation that the crossings specified in the order herein be submitted on the record now before the Commission.

The applicant submitted evidence of the number of lanes of traffic, the width, the angle, the grades of approach, the view conditions, the distances to the nearest crossings, the train

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speed, the vehicle speed, the average daily vehicle and train traffic and the proposed protection or construction at each of the crossings herein considered.

The County presented evidence relative to said crossings and the construction or protection as requested thereat (Exhibit 75). At Avenue "T" and 90th Street East the County recommended separations of grades rather than flashing lights supplemented with automatic gates as proposed by the applicant.

The County witness stated that 90th Street East provides access to Edwards Air Force Base; that the average daily traffic thereon is 1,670 vehicles and that it is to be developed as a major highway on the County's master plan of highways.

The County desires a separation of grades at Avenue "T" for the reason that it is to be a major east-west highway extending from Sierra Highway on the west to 165th Street East on the east, a distance of 15 miles. The average daily traffic at present is 171 vehicles according to the County. The County witness stated that if this separation of grades is constructed 98th Street East could be closed.

Each of the streets or highways herein referred to is on the County's master plan of highways (Exhibit 74), adopted in 1940.

Both 44th Street East and Black Butte Basin Road are planned for 60-foot County roads and 92nd Street East is to be an 80-foot secondary highway. The remaining streets or highways are to be 100-foot major highways. At present the streets vary from 20 feet in width to 40 feet in width. When the streets or highways will be developed according to the master plan, was not stated.

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Present average daily traffic varies from one vehicle (Black Butte Easin Road) to 1,635 vehicles (90th Street East).

On the evidence of record the Commission finds that:

1. The proposed crossings herein considered are all in the County of Los Angeles. Each of the proposed crossings will be a new crossing, constructed at the applicant's request, of an existing street, highway or dedicated right of way therefor. The Interstate Commerce Commission has authorized the construction of said Cutoff.
2. Public convenience, necessity and safety require that each of the crossings herein authorized be constructed under the terms and conditions contained in the order herein. Each separation of grade structure authorized herein should be constructed to accommodate a street or highway of the width shown on the County's master plan of highways.
3. The closing of certain streets or highways across the right of way as authorized herein will not be adverse to the public interest.
4. All separated grade structures and approaches specified herein should be constructed pursuant to agreements between the parties concerned.

The factual findings relative to the Palmdale-Colton Cutoff contained in Decision No. 69865, supra, are adopted by reference and made a part of the above findings insofar as pertinent.

Conclusions

The Commission concludes that the applicant should be authorized to construct each of the crossings specified herein under the terms and conditions specified in the order herein and that certain crossing sites should be closed as specified in the order herein.

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SECOND INTERIM ORDER

IT IS ORDERED that:

1. Southern Pacific Company is hereby authorized to construct a line of track across the streets and highways specified herein, the crossings to be identified by the crossing numbers specified and subject to the conditions set forth at each crossing. Construction and protection shall be as specified at each of said crossings.

25th Street East (Crossing No. BB 416.4-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Los Angeles County Road Department shall be filed with the Commission prior to the commencement of construction.

37th Street East (MP-417.85)

Applicant is authorized to close this street across the right of way provided it connects said street to 40th Street East (Crossing No. BB 418.1) as proposed by applicant.

40th Street East (Crossing No. BB 418.1)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 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) supplemented with automatic crossing gates.

44th Street East (Crossing No. BB 418.6)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

47th Street East (Crossing No. BB 418.8)

Width of the crossing shall be 30 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

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90th Street East (Crossing No. BB 422.9)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Los Angeles County Road Department shall be filed with the Commission prior to the commencement of construction.

92nd Street East (Crossing No. BB 423.3)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

96th Street East (Crossing No. BB 423.87)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 3.75 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) supplemented with automatic crossing gates.

98th Street East (MP-424.13)

Applicant is authorized to close this street at the limits of applicant's right of way provided a separation of grades is constructed at Avenue "T" (Crossing No. BB 424.3).

Avenue "T" (Crossing No. BB 424.3)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Los Angeles County Road Department shall be filed with the Commission prior to the commencement of construction.

106th Street East (Crossing No. BB 424.9)

Width of the crossing shall be 40 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 3 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

116th Street East (Crossing No. BB 425.9)

Width of the crossing shall be 40 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 2 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

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165th Street East (Crossing No. BB 431.0)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 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) supplemented with automatic crossing gates.

Black Butte Basin Road (Crossing No. BB 436.4)

Width of the crossing shall be 26 feet, and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 2.8 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

Palmdale-Victorville Road (Crossing No. BB 440.9)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 25-D. Plans approved by the Los Angeles County Road Department shall be filed with the Commission prior to the commencement of construction.

County Line Road (MP-441.3)

Applicant is authorized to close said crossing provided it connects the County Line Road to the Palmdale-Victorville Road (Crossing No. BB 440.9) as proposed by applicant.

2. All costs of construction at each of said grade crossings, closures and new roads specified herein, other than grade separations, shall be borne by applicant. Applicant shall bear all maintenance costs of grade crossings of its tracks between lines two feet outside of its rails and shall bear all maintenance costs of automatic protective devices and nonautomatic protective devices. The County shall maintain the pavement at each grade crossing outside of the lines two feet outside of the rails. At those crossings where there are separations of grades, construction and maintenance costs shall be borne in accordance with agreements to be entered into between the applicant and the Los Angeles County Road Department and a copy of each of said

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agreements together with plans approved by the County shall be filed with this Commission prior to commencement of construction of the grade separation structure involved. Should the parties fail to agree the Commission will apportion the costs by further order.

Within thirty days after completion of each crossing pursuant to this order applicant shall so advise this Commission in writing. This authorization will expire if not exercised within two years unless time be extended. 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

^{San Francisco}
Dated at _____, California, this 11th
day of JANUARY, 1966.

Frederick B. Holcomb
President
George T. Crover
Attorney
William B. Brown
Commissioners