

Decision No. 71107

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SOUTHERN PACIFIC COMPANY for an order )  
authorizing construction at grade of )  
an industrial drill track in and upon )  
Fifth Street and across Hewitt Street )  
and Colyton Street in the City and )  
County of Los Angeles, State of )  
California. )

Application No. 48601

O R D E R

The Southern Pacific Company is hereby authorized to construct a drill track and spur track at grade in and upon Fifth Street and across Hewitt Street and Colyton Street in the City of Los Angeles, at the locations described in the application, to be identified as Crossing No. BG-483.96-C and as a portion of existing Crossing No. BG-483.89-C, respectively.

Applicant shall bear entire construction and maintenance expense.

Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72, and each of a width of the existing streets, and with grades of approach not exceeding three percent in accordance with plan attached to the application. Protection at each crossing shall be by two Standard No. 1 crossing signs (General Order No. 75-B), with reflex reflecting sheet material.

The application includes an ordinance (No. 131,802) passed by the Los Angeles City Council on February 9, 1966 granting permission to the Southern Pacific Company to construct the track in question. The ordinance contains a clause to the effect that any costs for crossing protection that may become necessary will be borne by the Southern Pacific Company. The Southern Pacific Company alleges that such a clause is void because the subject matter is within the exclusive jurisdiction of the Commission pursuant to Sections 1202 (a) and 1219 of the Public Utilities Code.

Inasmuch as no special protective devices are required at these crossings at this time, the Commission will not pass upon the issue raised by the applicant concerning the aforesaid ordinance in this decision.

Within 30 days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization 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 if public convenience, necessity or safety so require.

Applicant alleges that the industry to be served by said trackage is in need of immediate service to avoid expensive delay in the commencing of its warehouse now under construction.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th day of AUGUST, 1966.

George T. Hoover  
President

St. Lawrence  
Commissioners