

ORIGINALDecision No. 71173

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 alter)
and improve the existing grade)
separation of Tuxford Street and)
Southern Pacific Company's Valley)
Line near San Fernando Road.)

Application No. 47035
Filed October 9, 1964;
Amendment Filed May 20, 1966

Roger Arnebergh and Charles E. Mattson by
Charles E. Mattson, for the City of
Los Angeles, applicant.
Randolph Karr, for Southern Pacific Company,
protestant.
John P. Ukleja, for the Commission staff.

O P I N I O N

A public hearing on the above application was held before Examiner DeWolf in the City of Los Angeles on July 11, 1966 and the matter was submitted.

The City of Los Angeles (City) seeks authority to alter, improve and widen the existing grade separation of Tuxford Street and Southern Pacific Company's Valley Line (Crossing No. B-466.9-B) and to provide for a second track requested by the railroad.

Counsel for the parties stated that they had not reached an agreement for the payment of construction and maintenance costs for the improvement, but that they would be able to reach a written agreement within thirty days and that the project should not be delayed further for that purpose.

The applicant called one witness from its Bureau of Engineering, Bridge and Structural Design Division, who testified that the proposed improvement at the crossing of Tuxford Street is necessary to improve the flow of traffic in this area, reduce congestion on Tuxford Street

and the adjoining streets near the Golden State Freeway, and that the widening of this underpass to eighty feet will greatly relieve the traffic congestion on the street and in the area.

Applicant introduced into evidence Exhibits 1 and 2. Exhibit 1 is a scale plan of the Tuxford Street profile showing the proposed width of eighty feet and the additional bridge for the added track.

Exhibit 2 is a photograph of Tuxford Street at the bridge in its present condition showing the narrow roadway 37 feet wide and traffic congestion at this point. It is a single track rail-road bridge over a sixty-foot street right-of-way.

The witness for the applicant further testified that widening of this street and underpass is very urgent as it is much needed on account of the increasing traffic congestion in the area and that applicant will prepare plans for alteration and reconstruction of the existing grade separation for the purpose of increasing the capacity of the structure for highway purposes including replacement of the existing bridge. Applicant's witness testified that there should be no delay in authorizing this improvement for the reason that this project has been given a priority of No. 6 in the 1966 grade separation priority list in Decision No. 70134 dated December 21, 1965 and, in order to obtain an allocation of funds to alter and improve the separation herein, the City must request such allocation of funds under the Streets and Highways Code, Section 190, prior to October 1, 1966. It is expected that construction contracts will thereafter be awarded prior to April 1, 1967, and that the construction will be completed within 18 months thereafter.

The Southern Pacific Company introduced the testimony of its Public Projects Engineer and introduced into evidence Exhibit 3 which states the position of the railroad.

Its position is that construction and maintenance costs of the proposed improvements shall be borne in accordance with an agreement to be entered into between the parties and a copy of the executed agreement, together with plans of said proposed improvements approved by the railroad, shall be filed with the Commission prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

The Southern Pacific Company did not offer any evidence in opposition to the application and counsel for the company stated that the company would construct a bridge across Tuxford Street for another track for its rail lines and expected to be able to reach an agreement for payment of construction and maintenance costs with the City of Los Angeles within thirty days.

The Commission finds that:

Public need and safety require the improvement of the existing separation of Tuxford Street near San Fernando Road by Southern Pacific's Valley Line tracks as proposed by applicant to increase the capacity of the structure for highway and railroad purposes.

Applicant should be authorized to make the alteration and improvement at the location of the existing structure separating the crossing of Tuxford Street by Southern Pacific's Valley Line tracks, clearances to be in conformance with the provisions of General Order No. 26-D and structural details to be in accordance with plans developed by the applicant and approved by the railroad.

Costs of construction and maintenance should be borne in accordance with an agreement to be entered into between the parties, and a copy of the executed agreement, together with plans of said proposed improvement approved by the railroad, should be filed with the Commission prior to commencement of construction. If the parties fail to agree, the Commission should apportion the costs of construction and maintenance by further order.

The Commission concludes that the application should be granted subject to the conditions set forth in the order herein.

O R D E R

IT IS ORDERED that:

1. The City of Los Angeles is authorized to widen, alter and improve Tuxford Street at the existing structure separating the crossing by Southern Pacific's Valley Line track in accordance with plans set forth in Exhibit 1 in this proceeding and the provisions of General Order No. 26-D, subject to the conditions set forth herein.

2. Construction and maintenance costs of the alterations and improvements shall be borne in accordance with an agreement to be entered into between the parties, and a copy of the executed agreement, together with plans of said proposed structure approved by the railway, shall be filed with the Commission prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

3. The improvements and changes herein provided for are to be completed within two years of the effective date of this order, unless an extension of time is granted by the Commission.

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

Dated at San Francisco, California, this 27th
day of AUGUST, 1966.

Robert E. Mitchell
President

George J. Hoover

Augustus

William W. Bennett

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.