

ORIGINAL

Decision No. 72104

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, upon and
across Del Amo Boulevard in the Town
of Dominguez, County of Los Angeles,
State of California.

Application No. 49096
(Filed January 20, 1967)

O R D E R

The Southern Pacific Company is hereby authorized to construct track at grade across Del Amo Boulevard in Los Angeles County, at the location described in the application, to be identified as Crossing No. 6L-14.35-C. Construction of said crossing shall be equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of a width to conform to the portion of the street now graded, with tops of rails flush with the roadway and with grades of approach not exceeding one percent. Protection shall be by four Standard No. 8 crossing signals (General Order No. 75-B) augmented with automatic gates. Applicant shall bear entire construction and maintenance expense.

The application includes Ordinance No. 9202, adopted on October 25, 1966 by the Board of Supervisors of the County of Los Angeles, 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. The County of Los Angeles objects to this allegation. It is the County's position that Section 1202.1 of the Public Utilities Code not only permits but contemplates an agreement between the parties as to the apportionment of costs, without in any way disturbing the Commission's exclusive powers under Section 1202 (a).

Inasmuch as protection at the crossing will be provided by four Standard No. 8 flashing light signals (General Order No. 75-B) augmented with gates, and no additional safety devices are necessary at the subject crossing at this time, the Commission will not pass upon the issue raised by applicant concerning the ordinance adopted October 25, 1966 by the County of Los Angeles in this decision.

Within thirty 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 states that the industries to be served by the proposed drill track desire service as soon as possible.

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

Dated at San Francisco, California, this 28th day of FEBRUARY, 1967.

President
William M. Bennett

William Lyman Jr.
Fred P. Monahan
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

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