

ORIGINALDecision No. 72713

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 improve and widen)
 the existing crossing at grade of)
 Balboa Boulevard across the tracks)
 of the Southern Pacific Company's)
 Burbank Branch Line.)

Application No. 47861

Randolph Karr and Walt A. Steiger, by Walt A. Steiger,
 for Southern Pacific Company, petitioner.
Charles W. Sullivan, for City of Los Angeles,
 applicant.
Albert Zoraster, for West Van Nuys Chamber of
Commerce; Mrs. Albert Zoraster, for Thirty-First
District P.T.A.; Dee J. Valentine, for Safety
Section, Los Angeles City Schools; interested
parties.
Ronald J. Hollis, for the Commission staff.

PETITION FOR MODIFICATION OF DECISION NO. 70305INTERIM OPINION

Decision No. 70305, dated February 1, 1966, in Application No. 47861, authorized the City of Los Angeles (City) to widen and improve the grade crossing of the Burbank Branch Line track of the Southern Pacific Company (Railroad) at Balboa Boulevard (Crossing No. BY-455.2) from two to four traffic lanes. The decision also specified the type of crossing protection to be installed and ordered the improvements to be completed by February 21, 1967. By Decision No. 71962, dated February 7, 1967, the time within which the work was to be completed was extended to February 21, 1968.

A Petition for Modification of Decision No. 70305 was filed by Railroad on February 23, 1967. The petition seeks authority to relocate the crossing. It states that the property owned by Railroad on either side of Balboa Boulevard is station property.

which is 225 feet in width; that the center line of the single line main track of the Burbank Branch Line running through said property is located 100 feet from the north boundary thereof which borders on Victory Boulevard; that a proposal has been made to Railroad to make said property available for commercial development; that to accomplish this, it is necessary to relocate the existing track 110 feet to the south so that the center line of the track would be 15 feet from and parallel to the southern boundary of said property; that the identical type of crossing protection ordered by Decision No. 70305 will be installed if the Commission authorizes the relocation of the crossing; that it will be in the public interest to relocate the crossing as proposed since it will be further away from the intersection of Balboa and Victory Boulevards; and that Railroad is ready to do the work as soon as authorization is received from the Commission permitting the proposed modification. The petition points out that the existing track is subject to a franchise granted by Los Angeles City Ordinance No. 123764 and that Railroad has filed an application with the city requesting a franchise authorizing the track relocation.

The petition was opposed by City. Protests to any further delay in constructing the improvements ordered by Decision No. 70305 were received from the Birmingham High School Parent Teacher Association and the Los Angeles City School Districts.

Public hearing on Railroad's petition was held before Examiner Mooney in Los Angeles on May 24, 1967.

Counsel for Railroad and counsel for City each stated that they were now in agreement regarding the proposed track relocation. Railroad's counsel stated that on April 19, 1967,

Railroad's Los Angeles office received from the Los Angeles Department of Public Utilities and Transportation for its review a draft of a proposed franchise ordinance which, if granted, would authorize the track relocation; that said department informed Railroad that if the draft were acceptable to Railroad, it would be referred to the City Council with the recommendation that it be passed; that said draft was forwarded to Railroad's general manager in San Francisco for his consideration; that the general manager has advised that the proposed ordinance is acceptable to Railroad; that as soon as the proposed ordinance is passed, a certified copy thereof will be sent to the Commission requesting that the petition herein be granted subject to the terms and conditions of the ordinance; and that work on the relocated crossing should be completed within the extended time (February 21, 1968) specified in Decision No. 71962. Counsel for both City and Railroad estimated that it would require approximately ten weeks from the date of hearing for passage and acceptance of the proposed ordinance. They stated that the allocation of costs between City and Railroad is specified in the proposed ordinance and is agreeable to the parties and that no further hearing in this matter will be required.

Representatives of the West Van Nuys Chamber of Commerce, the Thirty-First District P.T.A. and the Safety Section of Los Angeles City Schools stated that the present crossing is unsafe and causes an extremely dangerous traffic condition along Balboa Boulevard; that many students are required to cross the track going to school; that there are major sports and recreational centers in the area; that the proposal to move the track further away from the intersection of Balboa and Victory Boulevards would make the crossing safer; and that the work should be undertaken and completed as soon as possible.

The staff representative stated that he had no objection to the procedure suggested by City and Railroad.

After consideration the Commission finds that:

1. The relocation of the existing track at Crossing No. BY-455.2 to a location 110 feet south of its present location as proposed in the petition herein is practical and is in the interest of public safety and convenience.
2. A proposed franchise ordinance which would authorize the track relocation referred to in Finding 1 is now before the Los Angeles City Council.
3. Both City and Railroad anticipate that the proposed franchise ordinance should be passed, published and accepted by Railroad within ten weeks of the date of hearing, and Railroad will file a certified copy thereof with the Commission immediately upon acceptance of it.
4. Both City and Railroad are in agreement regarding the proposed track relocation and the allocation of costs for the construction of the crossing and protection thereof and agree that further hearing on this matter is not necessary. Said cost allocation will be set out in the franchise ordinance.
5. The relocated crossing and protection thereof will be identical to the specifications set out in Decision No. 70305.
6. Work on the relocated crossing will commence as soon as final approval of the petition is received from the Commission, and it will be completed prior to the required completion date of February 21, 1968 set out in Decision No. 71962.

Based upon the above findings, the Commission concludes that:

1. Railroad should file a certified copy of the franchise ordinance with the Commission within 20 days after said ordinance has been passed, published and accepted by Railroad.

2. If said ordinance authorizes the track relocation substantially in the manner and in accordance with the plans in Exhibit "A" to the petition, a further order will be issued authorizing said track relocation and providing that in all other respects Decision No. 70305, as amended by Decision No. 71962, shall remain in full force and effect.

3. In the event said ordinance has not been passed, published, accepted by Railroad and a certified copy thereof filed with the Commission within 30 days after the effective date of the order which follows, Railroad should upon expiration of said time period notify the Commission in writing of the status of said ordinance.

INTERIM ORDER

IT IS ORDERED that:

1. Within twenty days after the proposed franchise ordinance authorizing the relocation of the existing track at the grade crossing of the Burbank Branch Line track of the Southern Pacific Company at Balboa Boulevard (Crossing No. BY-455.2) 110 feet south of its present location as proposed in Exhibit "A" to the instant petition has been passed, published and accepted by Railroad, a certified copy of said franchise ordinance shall be filed with the Commission by Railroad.

2. If said ordinance authorizes the track relocation at the Balboa Boulevard crossing (Crossing No. BY-455.2) substantially in the manner and in accordance with the plans set forth in Exhibit "A" to the instant petition, a further order will be issued authorizing said relocation of the crossing and providing that in all other respects Decision No. 70305, as amended by Decision No. 71962, shall remain in full force and effect.

3. In the event said ordinance has not been passed, published, and accepted by Railroad and a certified copy thereof filed with the Commission within thirty days of the effective date hereof, Railroad shall immediately upon the expiration of said time period notify the Commission in writing of the status of said ordinance.

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

Dated at San Francisco, California, this 6th day of JULY, 1961

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.