

Decision No. 73374**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 the construction)	
at grade of two industrial spur tracks)	Application No. 49721
in, upon and across San Fernando Road)	(Filed October 11, 1967)
in the City of Los Angeles, County of)	
Los Angeles, State of California.)	

O R D E R

Southern Pacific Company is hereby authorized to construct two spur tracks at grade across San Fernando Road in the City of Los Angeles, at the location described in the application, to be identified as Crossing No. B-457.83-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 road now graded, with tops of rails flush with the roadway and with grades of approach not exceeding two percent. Protection shall be by two Standard No. 3 crossing signals (General Order No. 75-B) with additional signals mounted on cantilever arms. Applicant shall bear entire construction and maintenance expense.

The application includes Resolution No. 135069 adopted by the council of the City of Los Angeles on August 29, 1967, granting permission to the Southern Pacific Company to construct the subject track. The resolution contains a clause to the effect that any costs for additional 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 this Commission pursuant to Sections 1202(a) and 1219 of the Public Utilities Code.

As the application requests that two Standard No. 8 flashing light signals with cantilevers be installed at the proposed crossing and no additional safety devices are necessary at the San Fernando Road crossing at this time, the Commission will not pass upon the issue raised by the applicant concerning Resolution No. 135069 of the Los Angeles City Council 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.

The industry to be served by said trackage is in need of immediate service to avoid expensive delay in the commencing of its facility now under construction.

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

Dated at San Francisco, California, this 21st day of NOVEMBER, 1967.

D. E. Hill
President

August
William Sproull Jr
Ed P. Monsey
Commissioners

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