

ORIGINAL

Decision No. 73591

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 widen and improve Southern Pacific Company's Coast Line crossing of Woodley Avenue.

Application No. 47668  
(Filed June 16, 1967)

Roger Arnebergh, City Attorney, by  
Charles E. Mattson, Deputy City Attorney, for applicant.  
William E. Still, for Southern Pacific Company, respondent.  
William L. Oliver, for the Commission staff.

O P I N I O N

Woodley Avenue has been widened and improved under Section 1202.1 of the Public Utilities Code. The widening and improvement were carried out under authorization of Decision No. 69999, dated November 23, 1965, herein. The deposit by the City of Los Angeles of \$12,490 was acknowledged by Southern Pacific Company on January 13, 1966.

The improvement in question was completed long before the hearing herein held on March 16, 1967, before Examiner Power at Los Angeles at which the only issue was the apportionment of cost. The exact date of the completion and opening of the project did not appear at the hearing.

The improvement increased the width of Woodley Avenue at the point of crossing from 44 feet to 80 feet. Prior to the improvement Woodley Avenue had been protected by two Standard No. 8 flashing light signals equipped with automatic gate arms and grade crossing predictor circuitry. Along with the widening and road work, the City built two center islands for the installation of two additional gates.

The original plan had been for two No. 8 signals with long gate arms. At an engineering conference Southern Pacific's engineer related the unfavorable experience which that company had had with long gate arms, especially wind breakage. The project was altered accordingly.

The only issue remaining at the time of the hearing was the allocation of cost. This question has been fully considered by us in closely similar case of Osborne Street which involved the same city and railroad. The thorough discussion in the Osborne Street case need not be repeated here. Our decision in Osborne Street will be followed here.

The Commission finds that:

1. The City of Los Angeles has widened its previously existing crossing of Woodley Avenue at grade with tracks of Southern Pacific Company (No. E-452.9).

2. The benefit of this crossing will accrue equally to the City of Los Angeles and Southern Pacific Company.

3. The Woodley Avenue project is complete.

4. The fair and reasonable division of the cost of signal work done in connection with the widening of Woodley Avenue is 50 percent to the City of Los Angeles and 50 percent to Southern Pacific Company with certain minor exceptions.

The Commission concludes that the cost of the Woodley Avenue project should be divided as provided by the following order.

O R D E R

IT IS ORDERED that:

1. The cost of widening the existing crossing (No. E-452.9) of Woodley Avenue with a track of Southern Pacific Company's

Coast Main Line be divided as follows:

- (a) Signal protection work, 50 percent to the City of Los Angeles and 50 percent to the Southern Pacific Company.
- (b) Planking the new portion of the roadway, 100 percent to the City of Los Angeles.
- (c) Planking the old portion of the road, 100 percent to Southern Pacific Company.
- (d) Preparation of the track to receive planking, 100 percent to Southern Pacific Company.

2. Southern Pacific Company shall bear the cost of maintenance of the widened crossing between lines two feet outside the rails and the City of Los Angeles shall bear the cost of maintaining the crossing and approaches outside of such lines.

3. The Southern Pacific Company shall physically maintain the automatic signal protection.

4. The cost of such maintenance shall be apportioned pursuant to the provisions of Section 1202.2 of the Public Utilities Code and the City's liability therefor shall be limited to such funds as are set aside for allocation to the Commission pursuant to Section 1231.1 of the Public Utilities Code.

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

Dated at San Francisco, California, this 9<sup>th</sup> day of JANUARY, 1967.

Peter E. Decker  
President

William L. Burnett

August 29

William Francis J.

Neal P. Moroney  
Commissioners

I dissent.  
I would have allocated the entire cost to the City of Los Angeles.  
August 29