

**ORIGINAL**

Decision No. 73746

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE COUNTY OF  
LOS ANGELES FOR THE WIDENING  
OF AVENUE S OVER THE EL PASO  
LINE OF THE SOUTHERN PACIFIC  
COMPANY - PALMDALE AREA.

Application No. 49397  
(Filed May 23, 1967)

Raymond W. Schneider, for applicant.  
Randolph Karr and Walt A. Steiger,  
by Walt A. Steiger, for Southern  
Pacific Company, protestant.  
G. R. Mitchell, for Brotherhood of  
Locomotive Engineers, interested  
party.  
Ronald I. Hollis, for the Commission  
staff.

O P I N I O N

The County of Los Angeles seeks to widen and improve Avenue "S" and upgrade protection at Crossing No. B-415.2 across the tracks of the Southern Pacific Company.

Public hearing was held before Examiner DeWolf at Los Angeles on January 15, 1968, at which time the matter was submitted upon the stipulation of the parties.

The Southern Pacific Company stipulated with the applicant County of Los Angeles, with concurrence of the Commission staff, that public convenience, necessity and safety require that the application be granted authorizing the widening and upgrading of said crossing protection and that with respect to the apportionment of costs the parties agreed that the cost of

the improved crossing protection be shared equally by the railroad and the county; that the cost of preparing the track necessary within the limits of the widened crossing and any paving work within lines two feet outside of rails in the existing crossing is to be borne 100 percent by the Southern Pacific Company, and that all other costs of widening the crossing and approaches including the cost of traffic signal coordination are to be borne 100 percent by the County of Los Angeles. The maintenance costs of the protection are to be shared equally as provided by Section 1202.2 of the Public Utilities Code.

It was further stipulated between the parties that the Southern Pacific Company and the County of Los Angeles will negotiate an agreement regarding an easement and right of entry in the crossing to establish the rights of the County of Los Angeles in the crossing, and in the event that the parties are not able to reach an agreement within a year from the effective date of this order the matter of the easement and the right of entry will be submitted to a court or body of competent jurisdiction to determine what rights the County would receive in the widened crossing.

The application proposes that the widened crossing be protected by four Standard No. 8 flashing light signals augmented with automatic crossing gates and a map prepared by the County of Los Angeles Road Department in cooperation with the railroad showing the location, plan, profile, and cross-section

of the grade crossing is on file with the application.

The Commission finds that public convenience, necessity and safety require the improvement, widening, and upgrading of the crossing protection at Avenue "S" and the Southern Pacific Crossing No. B-415.2 and concludes that the protection should be four Standard No. 8 flashing light signals augmented by automatic gate arms.

Findings as to the rights of the parties in the widened crossing in the matter of the easement and the right of entry are deferred pending negotiations of the parties and the execution of an agreement or submission to and decision by a tribunal having jurisdiction thereover.

The application will be granted.

O R D E R

IT IS ORDERED that:

1. The County of Los Angeles is authorized to widen Avenue "S" across the tracks of the Southern Pacific Company Crossing No. B-415.2 in accordance with the plans set forth in its application. Width of crossing shall be not less than 84 feet and grades of approach not greater than 5 percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72.
2. There shall be installed at the crossing four Standard No. 8 flashing light signals (General Order No. 75-B) augmented by automatic gate arms.

3. The cost of relocating the existing grade crossing protection and installing the additional grade crossing protection shall be apportioned equally between the County of Los Angeles and the Southern Pacific Company.

4. The maintenance cost of the grade crossing protection shall be apportioned equally pursuant to the provisions of section 1202.2 of the Public Utilities Code.

5. The Southern Pacific Company shall bear 100 percent of the costs of preparing track necessary within the limits of the widened crossing, and any paving work within lines two feet outside of rails in the existing crossing.

6. The County of Los Angeles shall bear 100 percent of all other costs of widening the crossing and approaches including the cost of traffic signal coordination.

7. The Southern Pacific Company shall bear the cost of maintenance of the widened crossing within lines two feet outside of rails and the County of Los Angeles shall bear the maintenance costs of the crossing and approaches outside of said lines.

8. Within thirty days after completion of the work herein authorized, the County of Los Angeles and the Southern Pacific Company shall each notify the Commission in writing of its compliance with the conditions hereof.

9. The improvements and changes herein provided for are to be completed within one year of the effective date of this order unless time is extended.

10. The widened portion of crossing shall not be opened to public use until the protection ordered herein is installed and operative.

11. Granting of this application shall not establish the rights of the parties in the widened crossing as to the matter of the easement and the right of entry and settlement of these rights is deferred pending negotiation of an agreement between the parties or subsequent decision.

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

Dated at San Francisco, California, this 20<sup>th</sup> day of FEBRUARY, 1968.

[Signature]  
President

[Signature]  
William J. [Signature]  
[Signature]  
Commissioners

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