

ORIGINAL

Decision No. 74928

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status,
operation, safety, maintenance,
use and protection or closing
of the crossings at grade of
the SOUTHERN PACIFIC COMPANY
in the County of Los Angeles,
at Mile Posts 445.93, 446.85,
447.25, 448.05, and 451.25.

Case No. 8443
(Filed June 8, 1966)

Randolph Karr and Norman Ollested;
Milton B. Kane, for Department of
Public Works, Division of Highways;
and Jerald Wheat, for County of
Los Angeles; respondents.
John Seelinger; Milnor E. Gleaves, for
Norman Rowland and Aster Company;
Edna Roberts; and Mrs. V. Jepsie
Isenhouer, protestants.
G. R. Mitchell, for Brotherhood of
Locomotive Engineers; Adams and
Lowder, by Adrian W. Adams, for
Joseph F. Baudino; Baxter B. Gardner
for Los Angeles Department of Water
and Power; Berman Swartz, for Golden
Triangle Corporation and Land for
Industry Investment Corporation;
Joseph C. Easley and William E. Sherwood,
for State Department of Public Works;
John G. Thorpe, for Parvin-Dohrmann Co.;
Richards, Watson & Hennerling by Eugene
Topel, for Seelinger, Roberts and Stuckman;
and Roger M. Sullivan, for Parvin-Dohrmann
Company, interested parties.
V. V. MacKenzie, Counsel, and William L.
Oliver, for the Commission staff.

ORDER DISCONTINUING INVESTIGATION SUBJECT
TO REOPENING WITHIN ONE YEAR

The above-entitled matter was instituted for the purpose
of investigating five crossings of the Southern Pacific Company near
Saugus in the County of Los Angeles.

Public hearings were held at Newhall on September 27 and 29,
1966, and at Los Angeles on December 7, 1966, February 7, June 20,

September 12, October 9, 1967, and January 17 and 19, and August 16, 1968, before Examiner DeWolf, and on the latter date the parties agreed to a discontinuance of the investigation subject to reopening within one year if work commitments for the installation of automatic protection have not progressed satisfactorily.

The order of investigation states that it is made to determine whether or not the public health, safety, and welfare require relocation, widening, closing or other reconstruction of said crossings, or require installation and maintenance of additional or improved protective devices at said crossings of the Southern Pacific Company in the County of Los Angeles described as Mile Posts 445.93, 446.85, 447.25, 448.05, and 451.25, and to determine under what terms and conditions improvements are to be accomplished and how apportionments of costs are to be made among the affected parties.

The Commission staff submitted Exhibit No. 1 in evidence which describes the five crossings and proposes that two crossings be provided with locked gates and that the remaining crossings be protected by No. 3 flashing lights and automatic gates.

The evidence adduced shows that the crossing at Mile Post 446.85 has been effectively closed by the Southern Pacific Company, and that the crossing at Mile Post 445.93 has been protected by a locked gate, the keys of which are in the hands of the railroad and a farmer adjoining the railroad, who has occasion to use the gate, and that the crossing is not open to the public.

At the hearing on August 16, 1968, the Southern Pacific Company submitted a report dated August 9, 1968, which was received in evidence and erroneously numbered Exhibit No. 13 and is now hereby changed to Exhibit No. 14. This exhibit shows the progress of the work toward installation of the automatic protection which is being prepared.

The protection of these three remaining crossings described in Exhibit No. 14 as located at Mile Posts 448.05, 451.25, and 447.25 is to be accomplished by installation of two No. 8 flashing light signals augmented by automatic gate arms at each crossing whether or not located at the present designation. The parties have agreed that these crossings are to be realigned or relocated and that the crossing at Mile Post 451.25 will be abandoned and effectively closed when the public crossing is opened at Mile Post 451.3 and protected as provided in Application No. 49960, Decision No. 73889 dated March 26, 1968, and that the crossing located at Mile Post 448.05 also numbered 448.06 will be abandoned and effectively closed when the public crossing is opened at Mile Post 447.9 and protected as provided in Application No. 49959, Decision No. 73852 dated March 12, 1968, and the crossing at 447.25 is to be realigned or relocated as a private crossing, and protected with No. 8 flashing lights and automatic gates.

The witness for the railroad testified that he expects the railroad will be able to have the protection work completed within one year, and the evidence by the railroad in Exhibit No. 14 states that materials are available for this work and it is awaiting action by the contractors.

The Commission staff, the Southern Pacific Company, the County of Los Angeles, and other parties involved have agreed that the foregoing closing, realignment, and protection provided by agreement of the parties for the five crossings involved in this proceeding, is satisfactory and when completed will satisfy the purposes for which the order instituting the investigation was made.

At the hearing on August 16, 1968, the Commission staff and all parties stipulated that the investigation should be discontinued as to all of the crossings involved subject to reopening for further investigation or order if the work commitments to have the automatic protection installed within one year have not progressed as herein set forth to the satisfaction of the Commission staff, or until further order of the Commission; therefore,

IT IS ORDERED that the above-entitled investigation is discontinued unless reopened by further order of the Commission.

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

Dated at San Francisco, California, this 15th
day of NOVEMBER, 1968.

President
William L. Symons

August

James P. Morrissey
Commissioners

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

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