

ORIGINAL

Decision No. 76018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of City of Vernon
to widen Crossing No. 2H-0.7.

Application No. 50951
(Filed March 10, 1969)

Arthur E. Nelson, Jr., Charles H. McGovern,
and R. A. Petraitis, for the City of
Vernon, applicant.
Clifford Douglas, for The Atchison, Topeka
and Santa Fe Railway Company.
John P. Ukleja, for the Commission staff.

INTERIM ORDER

By the above application the City of Vernon (City) requests an order authorizing the widening of the crossing at 37th Street and The Atchison, Topeka and Santa Fe Railway Company (railway) track (Crossing No. 2H-0.7).

A public hearing was held in Los Angeles before Examiner Rogers on June 30, 1969. At this hearing no evidence was presented but the parties stipulated that costs would be advanced by the City; 37th Street would be changed to a one-way street westbound; 38th Street would be changed to a one-way street eastbound; protection would be installed in accordance with the instant order and the matter would be continued for hearing on September 17, 1969, relative to apportionment of costs.

At the crossing site the railway has two tracks running in a north-south direction. 38th Street, an east-west street, is south of 37th Street and terminates on the west side of the westernmost line of rail. It is approximately 45 feet from the south side of 37th Street to the north side of 38th Street. Approximately 100 feet west

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of the westernmost track there is an unnamed street running between 37th Street and 38th Street. 37th and 38th Streets are two-way streets. The City plans to extend 38th Street eastward across the railway tracks and have it merge with 37th Street immediately east thereof. The City also intends to make 37th Street one-way for west-bound traffic and 38th Street one-way for eastbound traffic.

The 37th Street crossing, Crossing No. 2H-0.7, is protected by one wig-wag in the northwest quadrant. On October 24, 1968, the Commission ordered that the railway install gates at the crossing within three years. The costs were allocated 50 percent to the railway and 50 percent to the City. This protection had not been installed at the time of the hearing herein. The city and the railroad have agreed to the improvement of the 38th Street crossing and its protection in accordance with the following order, and that the City will advance to the railway the estimated costs in the sum of \$14,700 leaving for further hearing the apportionment of the costs.

The City contends that the project is the widening of an existing crossing and the railway contends that the project is a new crossing. Whether or not the project is a new crossing or the widening of an existing crossing will be determined at the further hearing.

The City of Vernon is hereby authorized to extend 38th Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, said crossing to be identified as Crossing No. 2H-0.71 in the City of Vernon as described and substantially as shown in the application. Width of the crossing shall be not less than 40 feet and grades of approach shall be not greater than three percent. Construction shall be equal or superior to Standard No. 2

of General Order No. 72. Prior to the effective date of this order and as a condition thereof, the City of Vernon shall, by ordinance, make 37th Street through the crossing area and west thereof a one-way street for westbound traffic and 38th Street through the crossing area and west thereof a one-way street for eastbound traffic. Protection shall be by four Standard No. 8 flashing light signals (General Order No. 75-B) augmented with automatic gate arms. Circuits shall be installed which will prevent over operation of the flashing lights, overringing and unnecessary down time.

The crossing work shall be done pursuant to agreement between the parties.

Construction expense of the 38th Street crossing shall be apportioned by further order of this Commission made after further hearing tentatively set for September 17, 1969.

The City shall advance to the railway the sum of \$14,700 as the estimated cost of protection and improvement of the 38th Street portion of the crossing.

Within thirty days after completion pursuant to this order, the City of Vernon shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless

time be extended, or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be thirty days after the City of Vernon has, by ordinance, made 37th Street a one-way westbound street and 38th Street a one-way eastbound street through the crossing area.

Dated at San Francisco, California, this 12th day of AUGUST, 1969.

William J. Lyons, Jr.
President

August

J. P. Vukasin, Jr.

Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.