

ORIGINAL

Decision No. 76659

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Long Beach, a municipal corporation, for authority to relocate Crossing No. 6LDA-1.66C of a railroad track by a public street in the City of Long Beach, County of Los Angeles, State of California.

Application No. 51195  
(Filed June 25, 1969)

In the Matter of the Application of the City of Long Beach, a municipal corporation, for authority to widen existing crossing (No. 6LDC-0.35-C) of a railroad track by a public street in the City of Long Beach, County of Los Angeles, State of California.

Application No. 51196  
(Filed June 25, 1969)

Leslie E. Still, Jr., for the City of Long Beach, applicant.  
Alan L. Freedman, for Southern Pacific Company, protestant.  
Raymond Toohey, for the Commission staff.

O P I N I O N

By Application No. 51196 the City of Long Beach requests authority to widen and improve the Pico Avenue crossing in the vicinity of Seventh Street, Long Beach over the tracks of the Southern Pacific Company (Crossing No. BH-507.3, formerly No. 6LDC-0.35-C). In Decision No. 76166 dated September 10, 1969 the Commission granted the sought authority. The Commission noted that applicant and the railroad were not in agreement as

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to the apportionment of the installation and maintenance cost of the automatic crossing protection and therefore deferred apportionment of costs pending formal hearing. Grade crossing protection was ordered to be seven Standard No. 8 flashing light signals.

In Application No. 51195 the City of Long Beach requests authority to relocate Crossing No. 6LDA-1.66-C over the tracks of the Southern Pacific Company from its present location at the intersection of Third Street with Pico Avenue, Long Beach, to a new location approximately 250 feet northerly.

The applications were consolidated for hearing and public hearings were held on November 18 and 20, 1969 at Los Angeles before Examiner Robert Barnett. At the hearings the parties were able to agree to the nature of the protection and the apportionment of costs of construction and maintenance of the grade crossings and grade crossing protection.

In Application No. 51195 the City of Long Beach, the Southern Pacific Company and the Commission staff stipulated to the following: That the crossing is to be constructed as set forth in Application No. 51195 except that the grade crossing protection shall include two cantilevered Standard No. 8 flashing light signals. Motion detectors or some other kind of detector device should be authorized but not ordered. The City of Long Beach shall retain the option to have such devices installed prior to, or subsequent to, the opening of the crossing. The costs of construction, including detector devices when and if

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installed, will be 100 percent to the City of Long Beach. The cost of maintaining the grade crossing protection, including detector devices when and if installed, will be 100 percent to the railroad pursuant to an existing agreement entered into in 1934 between Long Beach and the railroad.

In Application No. 51196 the City of Long Beach, the Southern Pacific Company, and the Commission staff stipulated to the following: The grade crossing to be constructed is a widened crossing. The costs of installation of the grade crossing and grade crossing protection shall be divided as follows: Of the straight labor time on the costs of installation to date (November 18, 1969) the City of Long Beach will pay 50 percent and the Southern Pacific Company will pay 50 percent; the city will bear all of the overtime costs of construction to date and will bear 100 percent of all costs of construction incurred subsequent to November 18, 1969. The Southern Pacific Company shall bear 100 percent of the maintenance costs of such grade crossing protection that is equivalent to the protection that was in operation prior to the widening of the crossing, that is, four Standard No. 8 flashing light signals. The cost of maintenance of all automatic grade crossing protection required because of the widening of the grade crossing, that is, three Standard No. 8 flashing light signals, shall be apportioned 50 percent to the City of Long Beach and 50 percent to the Southern Pacific Company.

Findings of Fact

Public convenience and necessity require that the relocation of Grade Crossing No. 6LDA-1.66C and widening of Grade Crossing No. BH-507.3 be constructed and maintained as set forth in the following order.

The Commission concludes that the applications should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. In Application No. 51196 the apportionment of costs of installation of the grade crossing and grade crossing protection shall be divided as follows:
  - a. The City of Long Beach will pay 50 percent and the Southern Pacific Company will pay 50 percent of the straight labor time on the costs of installation to November 18, 1969.
  - b. The city will bear all of the overtime costs of construction to November 18, 1969 and will bear 100 percent of all costs of construction incurred subsequent to November 18, 1969.
  - c. The Southern Pacific Company shall bear 100 percent of the maintenance costs of the grade crossing protection that is equivalent to the relative number of units (Appendix B of Decision No. 72225) that were in operation prior to the widening of the crossing (four Standard No. 8 flashing light signals).
  - d. The City of Long Beach shall pay 50 percent and the Southern Pacific Company shall pay 50 percent of the costs of maintenance of all automatic grade crossing protection required because of the widening of the grade crossing (three Standard No. 8 flashing light signals).

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2. In Application No. 51195 the City of Long Beach is hereby authorized to relocate Crossing No. 6LDA-1.66-C as described and substantially as shown in the application. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be two Standard No. 8 flashing light signals (General Order 75-B) with additional flashing lights mounted on cantilever arms. The City of Long Beach may cause motion detectors or some other detector device to be installed at the crossing prior to, or subsequent to the opening of the crossing. The cost of construction, including any detector device when installed will be 100 percent to the City of Long Beach. The cost of maintaining the grade crossing protection, including detector devices when and if installed, will be 100 percent to Southern Pacific Company.

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 two years 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.

Applicant has requested immediate authority in order to avoid expensive delays in construction. The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13th day of JANUARY, 1970.

William J. ...  
President  
...  
...  
Thomas L. ...  
Commissioners

-5- Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.