

ORIGINAL

Decision No. 76769

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California)
Department of Public Works for an order)
authorizing construction of a crossing)
at separated grades, whereby State)
Route 605 will pass under Southern)
Pacific Company's track, commonly)
referred to as South Irwindale Under-)
pass.)

Application No. 51151
(Filed June 10, 1969;
First Amendment Filed
September 16, 1969)

INTERIM OPINION

On June 10, 1969 the State of California Department of Public Works, hereinafter sometimes called the State, filed an application in which it is alleged that the State proposes to construct a crossing at separated grades, commonly referred to as South Irwindale Underpass, whereby State Route 605 will pass under the track of Southern Pacific Company, hereinafter sometimes called Railroad, as set forth in Exhibit "A" and as shown on Exhibit "B", attached to the application. It is anticipated that the project will be completed within three years. The State requests that this Commission issue its order authorizing said construction upon the terms and conditions and divisions of costs and expenses as are or may be provided for in an agreement to be entered into between said parties, or in the event the parties fail to agree, such costs to be determined as provided by law. The State further requests that the order provide three years from the date of any such order, within which to complete the proposed project.

By the First Amendment to the application herein filed September 16, 1969, the State proposes to relocate the proposed shoofly from the position shown on Sheet 2 of Exhibit "B" attached

A. 51151 Mjo

to the application to a connection between the Railroad's Baldwin Park branch line and the El Paso main line at Cypress Avenue in the City of El Monte, as shown on Exhibit "C" attached to the amendment.

The amendment further provides that the following is added to page 2 of Exhibit "A":

"B. TEMPORARY RAILROAD CONNECTION TO BE CONSTRUCTED AT GRADE

Connect the Southern Pacific Company's El Paso Main Line and Baldwin Park branch line at approximate railroad mile posts 495.15 of the main line and 13.39 of the branch line as shown on Exhibit 'C'.

"(a) The proposed temporary connection will allow railroad traffic to bypass the construction site for the South Irwindale Underpass. It will also eliminate the need for the proposed South Irwindale Underpass and would permit the construction of two additional ramps, completing the diamond interchange between Ramona Boulevard and Route 605 Freeway.

" The temporary connection will remain in service until the permanent connection between the Southern Pacific Company's El Paso Main line and Baldwin Park Branch line along the Rio Hondo River in the westerly portion of El Monte is constructed. If the Rio Hondo connection is not consummated within two years the State would remove the temporary connection at Cypress Avenue and construct the South Irwindale Underpass on Interstate Route 605 as originally planned.

"(b) The approximate alignment for the temporary connection is indicated on Exhibit 'C'.

"(c) The nearest existing grade crossings are PUC Nos. 6T-13.42 (Cypress Avenue), B-495.0 (Cypress Avenue), and B-495.1 (El Monte Boulevard).

"(d) The estimated average daily vehicular traffic at the location of the proposed connection is as follows:

1. Cypress Avenue

Northbound 1866
Southbound 2029

2. Ramona Boulevard

Westbound east of Cypress Avenue 6,505
Westbound west of Cypress Avenue 8,534
Eastbound east of Cypress Avenue 6,571
Eastbound west of Cypress Avenue 8,437

"(e) Rail traffic for the El Paso main line is two passenger and 40 freight per day at speeds of 40 miles per hour. Rail traffic for the Baldwin Park branch line is two movements per day at speeds of 35 miles per hour.

"(f) Existing protection at Crossing No. 6T-13.42 two Standard No. 3 Wigwags, Crossing No. B-495.0 two Standard No. 8s augmented with automatic gates, and Crossing No. B-495.1 two Standard No. 8s augmented with automatic gates. It is proposed to relocate two No. 8s augmented with automatic gates, remove the two No. 3 Wigwags and install two No. 8s as shown on Exhibit 'C'.

"(g) There will be no change in grades or cross sections at this location."

By the amendment the State requests the Commission to issue an order authorizing the construction as requested in the application, as amended.

On September 18, 1969, the City of El Monte, sometimes hereinafter called City, filed a request for hearing and a motion to consolidate the application herein with Applications No. 49251 and No. 49751. The State on September 30, 1969 filed a statement in opposition to such request for hearing and the motion to consolidate.

A. 51151 Mjo

By letter dated October 28, 1969 to Examiner Cline from the City of El Monte, which letter is hereby made a part of the record as Exhibit No. 1, the Commission was informed that an agreement had been reached between the State, the City and the Railroad concerning the application herein. This letter further states:

"Accordingly, it is the intention of the parties that if the Commission approves said agreement and incorporates the terms thereof in orders issued by the Commission, Application No. 51151, as amended, will be disposed of, the City's request for hearing thereon will become moot and the City will withdraw its said request, and the City's motion to consolidate the hearings on said Application No. 51151 with Applications Numbered 49251 and 49751 will be withdrawn. Upon the happening of the above quoted provisions of said agreement, you may consider this letter the City of El Monte's withdrawal of its request for hearing and motion to consolidate."

By letter dated December 10, 1969 to the Commission, the State enclosed a copy of the fully executed agreement between the City of El Monte, the Southern Pacific Company and the State of California Department of Public Works and requested that this Commission issue an ex parte order in accordance with the terms of this agreement. The said letter dated December 10, 1969, and the attached agreement are hereby made a part of the record as Exhibit No. 2.

The Commission finds that the construction of the shoofly proposed by the State as a temporary railroad connection to be constructed at grade to connect the Southern Pacific Company's El Paso Main Line and Baldwin Park branch line at approximate railroad milepost 495.15 of the main line and 13.39 of the branch line as shown on Exhibit "C" attached to the First Amendment to the application herein and in accordance with the amended application and the agreement which is a part of Exhibit No. 2 herein would not

A. 51151 Mjo

be adverse to the public interest, and the Commission concludes that the application as amended should be granted as provided in the order which follows. Commission consideration for authority for the separation structure, if necessary, will be by further order. A public hearing is not required.

INTERIM ORDER

IT IS ORDERED that:

1. The agreement executed October 31, 1969, by the City of El Monte, Southern Pacific Company, and the State of California Department of Public Works is approved.

2. The shoofly proposed by the State of California Department of Public Works in the application herein, as amended, may be constructed by the State of California Department of Public Works and Southern Pacific Company in accordance with the application herein, as amended.

3. An agreement has been entered into or will be entered into relative to construction and maintenance costs between the State of California Department of Public Works and the Southern Pacific Company and a copy of said executed agreement, together with plans approved by the Southern Pacific Company, shall be filed with the Commission prior to commencement of construction. Should the parties fail to agree, the Commission will apportion the costs by further order.

4. Within thirty days after the completion pursuant to this order, the State of California Department of Public Works shall so advise the Commission in writing. This authorization shall expire if not exercised within three years from the effective date of this order. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

A. 51151 Mjo

5. After authorization by the Commission and (1) upon the completion of a permanent connection between Southern Pacific Company's El Paso main line and its Baldwin Park branch line and the abandonment of the portion of the Baldwin Park branch line between El Monte and Baldwin Park (Application No. 49251) or (2) upon the completion of a separation structure, which will reestablish the Baldwin Park branch line across State Route 605 (Original Application No. 51151) or if neither (1) or (2) above is authorized by this Commission within two years from the date that use by the Southern Pacific Company of said shoofly commences, said shoofly will then be removed at the expense of the State of California Department of Public Works. Upon the removal of said shoofly the automatic protection installed in accordance with Exhibit "C" attached to the first amendment filed on September 16, 1969 shall be relocated to properly protect the Cypress Avenue Crossing (No. 6T-13.42) of the branch line and the Ramona Boulevard Crossing (No. B-495.1) of the main line.

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

Dated at San Francisco, California, this 10th day of FEBRUARY, 1970.

William J. Snow
President
[Signature]
[Signature]
Vernon L. Sturgeon
Commissioners