

Decision No. 77245

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the CITY OF LOS ANGELES, a municipal corporation, to widen and improve the existing crossing at grade of TUXFORD STREET across the Southern Pacific Company's El Paso Line spur tracks north of San Fernando Road (Crossing No. B-467.46-C)

Application No. 49338  
Petition for Modification of Decision No. 74420  
(Filed March 24, 1970)

ORDER DENYING PETITION FOR ORDER OF CLARIFICATION AND MODIFICATION OF DECISION NO. 74420

Decision No. 74420, dated July 17, 1968, authorized the City of Los Angeles to widen and improve Tuxford Street grade crossing (Crossing No. B-467.46-C) of Southern Pacific Company's El Paso Line spur tracks north of San Fernando Road.

Among other things, the Decision provided in Paragraphs 5 and 6 of its Order that

- "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 the outside rails in the existing crossing.
- "6. The City of Los Angeles shall bear 100 percent of all other costs of widening the crossing and approaches."

By its Petition for Modification the Southern Pacific Transportation Company (successor in interest to Southern Pacific Company) seeks clarification of the above-quoted provisions.

Petitioner states that a dispute has arisen between it and the City of Los Angeles as to who should bear the costs of relocating a switch and derail situated within the proposed widened portion of said crossing. It alleges that costs of relocating switches and derails are not costs customarily included in the "costs of preparing track necessary within the limits of the widened crossing", and it asks that Decision No. 74420 be modified to the extent of specifically providing for the assessment of the costs of relocating the switch and derail against the City of Los Angeles.

The Commission has considered the quoted provisions of Decision No. 74420 and petitioner's allegations relating thereto. It is of the opinion that no good cause for clarification of said provisions and modification of the Decision has been made to appear. Therefore,

IT IS ORDERED that petitioner's request for modification of Decision No. 74420 is hereby denied.

Dated at San Francisco, California, this 19th day of MAY, 1970.

William J. ...  
President

August

...

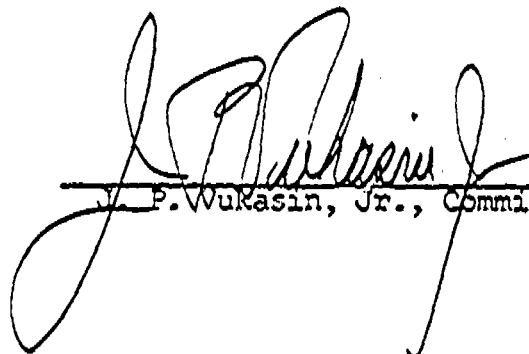
...  
Commissioners

I dissent  
J. ...

COMMISSIONER J. P. VUKASIN, JR., DISSENTING

I dissent.

The petition for modification alleges a dispute has arisen in the assessment of costs, between a railroad and a governmental agency, for the widening and improving of a grade crossing. A question has been raised whether certain relocation charges are properly the responsibility of the railroad or the municipality. The Commission is not informed on the amount of money involved. Assignment of such costs appear to be a matter of first impression. Orderly procedure requires a hearing rather than an ex parte determination.



J. P. Vukasin, Jr., Commissioner

San Francisco, California

May 19, 1970