

Decision No. _____

78559

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 Lassen Street
grade crossing of the Southern
Pacific Transportation Company's
Coast Line (Crossing No. E-445.7)

} Application No. 51885

(Filed May 8, 1970)

Roger Arnebergh, City Attorney, by
Frank Wagner, Attorney at Law,
for City of Los Angeles,
applicant.

William E. Still, Attorney at Law,
for Southern Pacific Transporta-
tion Co., respondent.

Leslie E. Corkill, for Department
of Public Utilities & Transporta-
tion, City of Los Angeles, inter-
ested party.

Daniel R. Paige, for the Commission
staff.

O P I N I O N

The City of Los Angeles seeks to widen and improve the Lassen Street grade crossing of the Southern Pacific Transportation Company's Coast Line (Crossing No. E-445.7).

Public hearing was held before Examiner DeWolf at Los Angeles on December 8, 1970, and the matter was submitted subject to filing of concurrent briefs which have been filed by the City and the railroad.

The City alleges that Lassen Street at the grade crossing involved herein is a substandard street, and requests

authority to improve the crossing within an 86-foot wide right of way, to include a 66-foot roadway and 9 feet of sidewalk on each side.

Two professional engineers testified for the applicant as to the details of the proposed improvement. The plans of the proposed improvement were received in evidence as Exhibits Nos. 1, 2, 3 and 4. Applicant amended its application as to Exhibits A, B and C and offered substitute drawings of the proposed changes which were received in evidence as Exhibit No. 5. This amendment changes applicant's proposal by elimination of the request for proposed traffic islands and also the proposal of applicant to place the switch points outside the area of the crossing. Exhibit No. 6, introduced by applicant, is a copy of Los Angeles City Ordinance No. 89788 approved by the Mayor on October 18, 1945, granting a franchise to Southern Pacific Company across Lassen Street in the San Fernando Valley District of the City of Los Angeles for a term of 21 years.

A public projects engineer testified on behalf of the railroad. The testimony and evidence of the respondent railroad does not oppose the widening of the crossing or the proposed new crossing protection and the proposed division of the cost of the signals. Page 2 of Exhibit No. 5 is a drawing showing the location of the two tracks in this crossing, the switch to a side track presently in the crossing and another switch to a side track which is just outside the crossing. One of the tracks passing over the street is 6 inches lower than the other which makes a bump for traffic passing over the tracks. The switch which is in the area

of the street does not interfere with vehicular traffic to a great extent but will interfere with pedestrian traffic over the new sidewalk and will create hazards for train crews who must move the switch. The actual project cost of raising the track and moving the switch within the actual area of the street is not in issue but, if this is done, the evidence discloses that the lower track must also be raised a distance of 684 feet outside of the crossing or other tracks moved to smooth the passage of traffic over the crossing and that if the switch in the crossing is moved to a place outside of the crossing, the other switch will also have to be moved a corresponding distance, and that the project cost of this realignment of the railroad tracks is estimated at \$11,115.00. The City contends that the railroad should pay all of this cost and the railroad contends that this is project cost, which should be borne by the City.

There are then two issues only and these involve the costs for raising the track outside of the area of the street and the cost of moving the switches outside of the street, as estimated above.

The City relies on the franchise ordinance Exhibit No. 6 and sets forth proposals for apportioning costs in its brief and claims that the order requested herein is supported by the California Public Utilities Commission Decision No. 77245, Order Denying Petition for Order of Clarification and Modification of Decision No. 74420 of Tuxford Street.

Southern Pacific Transportation Company contends that the unusual costs of elevating an existing track outside an existing crossing area with its required extensions and the relocations of turnouts, including switches, from the proposed widened area incident to and necessary because of the project, are costs properly assigned with costs of the project to the City of Los Angeles.

If the unusual costs of major grade changes for track relocations are not to be assessed as project costs to the City, then the railroad claims the right to review and evaluate the necessity of the proposed changes or improvements planned and proposed by the City, and present evidence to the Commission thereon if agreement between the parties cannot be reached.

The specific items of cost of concern to respondent in this proceeding pertain to items required by the City project and are not those connected with crossing protection. The items at issue are:

1. The costs of relocation of trackage and turnouts, including switches, to remove mainline switch from the widened crossing area.
2. The costs of elevating the westerly track six inches as may be necessary outside the existing paved area.

The Commission's guidelines in the apportionment of these costs and of what is to be included within "preparation of track" are important to both the railroads and the local agencies facing these problems on a continuing basis. The Southern Pacific Transportation Company states that it has no

desire to defeat the proposed project of widening Lassen Street where such project is designed and to be paid for by the City. The railroad is greatly interested, however, in the design and cost elements of such project if it is to pay part of the costs. For example, good design standards may not require a change of rail elevation the full six inches.

All of the evidence in this case points to the conclusion that the widening and improvement of this crossing will require tracks at the same level and the removal of the switches from the crossing in order to achieve acceptable traffic conditions in the widened crossing in view of the expected increase in traffic. It is obvious that such improvements can best be done at the same time. There is no evidence in the record of any better way to achieve a level crossing than that proposed by the City to raise the level of the lower tracks.

Findings and Conclusions

Upon consideration of the record the Commission finds that:

1. The City proposes to widen and improve Lassen Street across the tracks of the Southern Pacific Transportation Company to relieve poor traffic conditions created by the existing narrow roadway and rough crossing and to provide for the future growth of the community.
2. Public convenience and necessity require that the Lassen Street crossing be protected by two Standard No. 8 flashing light signals supplemented by automatic crossing gates and additional flashing light signals on cantilever arms.

3. The cost of relocating and installing the additional grade crossing protection shall be apportioned equally between the City of Los Angeles and the Southern Pacific Transportation Company, as set forth in the Osborne policy decision.

4. Ordinance No. 89788 forms no basis for construction of the widened crossing and the crossing protection involved in this proceeding, or the apportionment of the cost for the reason that the Commission has exclusive jurisdiction over apportionment of costs of protective devices at railroad crossings. Provisions in City ordinances requiring the railroad to pay all costs are of no force and effect. The matter is one of statewide concern.

5. The project costs of changing the level of the tracks outside of the crossing area and of moving the two switches to points outside of the street area are matters which improve and benefit the public use of the street and the operation of the railroad and the cost thereof shall be divided equally between the City and the railroad. Such items are those estimated by the railroad to cost \$11,115.00.

The Commission concludes that this application should be granted subject to the conditions set forth in the following order, and the costs apportioned as herein provided.

O R D E R

IT IS ORDERED that:

1. The City of Los Angeles is hereby authorized to widen and improve Lassen Street Crossing No. E-445.7 across the tracks of the Southern Pacific Transportation Company railroad line, as described and substantially as shown in the application, as amended.
2. The widened crossing at Lassen Street, No. E-445.7, shall be protected by two Standard No. 8 flashing light signals, supplemented with automatic gate arms and additional flashing light signals on cantilever arms as specified in the application and placed in service before the alteration work is completed and the crossing is fully opened to traffic.
3. The cost of installation and relocation of the crossing protection shall be borne 50 percent by the City of Los Angeles and 50 percent by the Southern Pacific Transportation Company. Maintenance cost of the crossing outside of lines two feet outside of rails shall be borne by applicant. The Southern Pacific Company shall bear maintenance cost of the crossing between such lines. Maintenance cost of the automatic crossing protection shall be apportioned equally between City and Railroad pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
4. The Southern Pacific Transportation 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 outside rails in the existing crossing. Construction expense of the widened portion and approaches of the crossing shall be borne by the applicant.

5. The project costs of relocation of trackage and turnouts, including switches to remove mainline switches from the widened crossing area and the costs of elevating the track six inches outside of the crossing area as may be necessary, shall be paid 50 percent by the City of Los Angeles and 50 percent by the Southern Pacific Transportation Company.

6. 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 one year 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.

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

Dated at San Francisco, California,
this 20th day of APRIL, 1971.

William Lyons Jr. Chairman
Albert J. Clark
Vernon L. Stenger
Ed. O'Dowd
Commissioners

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