

ORIGINAL

Decision No. 78831

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)
SAN PABLO STREET grade crossing of)
the Southern Pacific Transportation)
Company's El Paso Line near Valley)
Boulevard (Crossing No. B-484.0).)

Application No. 51751
(Petition to Modify Decision
No. 77814
Filed October 22, 1970)

ORDER MODIFYING DECISION

On March 5, 1970, the City of Los Angeles (City) filed the above numbered application seeking authority to widen the San Pablo Street crossing of the Southern Pacific Transportation Company's (railroad) El Paso Line near Valley Boulevard (Crossing No. B-484.0). It is therein alleged that the existing protection consisted of two No. 8 flashing lights supplemented by automatic crossing gates. The City proposed that the existing protection be relocated as required by the widening of the roadway and that the automatic crossing gate in the southeast quadrant be supplemented with flashing lights on a cantilevered arm. On this application, the Commission issued its ex-parte Decision No. 77814 dated October 14, 1970. Said decision provided that "Reinstallation cost of the automatic protection and the installation of the additional flashing light signals on a cantilever arm shall be divided equally between applicant and the railroad." The decision

also authorized the widening and stated that "The reinstallation of automatic protection with the additional signals on a cantilever arm does not come within the meaning of the phrase 'constructed or altered' in Section 1202.2 of the Public Utilities Code as defined in Decision No. 72226^{1/} in Application No. 45058, et al. Maintenance cost of the automatic protection shall be borne by the railroad."

The railroad filed a petition for rehearing on October 22, 1970, the principal contention being that the allocation of maintenance costs was improper. On November 24, 1970 by Decision No. 77959 the Commission stayed the effective date of Decision No. 77814 and ordered a rehearing on the application.

On May 25, 1971, this Commission issued its Decision No. 78719, in Case No. 8249, et al., wherein, pursuant to stipulation between California railroads, including specifically the Southern Pacific Transportation Company, the Commission made the following order:

1/ The pertinent finding in Decision No. 72226 (67 C.P.U.C. 62, at page 68) reads as follows:

"We find that in any case in which a higher numbered category of automatic grade-crossing protection as set forth in General Order No. 75-B is installed to replace or supplement a lower numbered standard of protection, or where crossing gates are installed in addition to existing protection, or where predictors are installed on or in addition to existing protection there shall have occurred an alteration bringing Section 1202.2 into effect; ...".

"IT IS ORDERED that:

1. Only the following shall constitute altered automatic grade crossing protection pursuant to Section 1202.2 of the Public Utilities Code:

- a. Where Standard No. 8 flashing light signals are installed replacing a lesser type of automatic protection (General Order No. 75-B, Nos. 3, 4, 5, 6 or 7).
- b. Where automatic gate or gates are installed where a lesser type of automatic protection is in place (General Order No. 75-B, Nos. 3, 4, 5, 6, 7 or 8), or where additional automatic gate or gates are installed.
- c. Where a cantilever or cantilevers with flashing light signals are installed at a crossing which is also protected by Standard No. 8 flashing light signals or automatic gate or gates."

A public hearing is not necessary.

In accordance with Decision No. 78719, supra, IT IS ORDERED that the first paragraph on page 2 of Decision No. 77814 is amended to read as follows:

Maintenance costs of the automatic protection shall be divided between the applicant and the railroad in the same proportion as the reinstallation and installation costs thereof are divided pursuant to Section 1202.2 of the Public Utilities Code.

In all other respects Decision No. 77814 is affirmed.

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

Dated at San Francisco, California, this 22nd
day of JUNE, 1971.

[Signature]
Chairman
William J. [Signature]
[Signature]
Vernon L. Sturgeon
[Signature]
Commissioners