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Decision No. 78954

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 construct  
MARMION WAY at grade across the  
tracks of The Atchison, Topeka and  
Santa Fe Railway Company's Main  
Line between Crossing No. 2-137.7  
and Crossing No. 2-137.9.

Application No. 52337  
Petition for Modification  
(Filed March 19, 1971)

Roger Arnebergh, City Attorney, by  
Charles E. Mattson, Deputy City  
Attorney, for petitioner.  
Thomas I. McKnew, Jr., Attorney at  
Law, for The Atchison, Topeka  
and Santa Fe Railway Company,  
interested party.  
Daniel R. Paige, for the Commission's  
staff.

#### O P I N I O N

By Decision No. 78380, dated March 2, 1971, in the above entitled and numbered application, the City of Los Angeles (City) was authorized to construct a new crossing at grade (Marmion Way, Crossing No. 2-137.8) over The Atchison, Topeka and Santa Fe Railway Company's (railway) main line of track. This authority required the installation of Standard No. 8 flashing light signals augmented with automatic gate arms, and in paragraph 4 on page 1, stated, inter alia, that "Maintenance cost of the automatic protection shall be divided equally between the applicant and the railway."

The decision also contains paragraph 3 on page 2 reading as follows:

"Crossings within 200 feet of a signalized street intersection shall have the approach circuits and timing apparatus adjusted so that the gate arms will be in a lowered position for approximately 25 seconds with limits of from 20 to 30 seconds in advance of the normally fastest train. The railroad signals and the respective traffic signals shall be interconnected so that in the preemption phase initiated by an approaching train, the traffic signals shall first display a green indication for an interval of sufficient length of time to clear all vehicles from the track area."

By the petition herein considered, the City requests that:

- (1) The last sentence of paragraph 4 on page 1 be modified to read:

"Maintenance cost of the automatic protection shall be divided equally between the applicant and the railway, and the City's liability, therefore, shall be limited to funds available under Section 1231.1 of the Public Utilities Code of the State of California."

- (2) The last sentence of paragraph 3 on page 2 of Decision No. 78380 be amended to read:

"The railroad signals and the respective traffic signals at Crossing No. 2-137.7 (Figueroa Street) and Crossing No. 2-137.8 (Marmion Way) shall be interconnected so that in the preemption phase initiated by an approaching train, the traffic signals shall first display an adequate clearance interval of sufficient length of time to clear all vehicles from the track area."

The City's request for modification of paragraph 4 on page 1 of Decision No. 78380 appears innocuous on the face thereof. It should be noted, however, that there is nothing before the Commission which advises us of the portion of the expenses of constructing the Marmion Way Crossing (Crossing No. 2-137.8), which was the only crossing authorized by Decision No. 78380, to be paid by the City (Section 1202.2 of the Public Utilities Code). This being so, we are not certain how Section 1202.2 should be applied to the crossing involved. If the point is important to the City, we suggest a separate petition setting forth the percentage of the construction costs paid by the City so that we may determine the applicability of Sections 1202.2 and 1231.1.<sup>1/</sup> The request for modification of paragraph 4 should be denied.

The railway took no position relative to the request for modification of paragraph 3 on page 2 of Decision No. 78380 (green indication). The staff engineer opposed the request. Applicant's reason for the modification is that the crossing of Marmion Way (2-137.8) is so close to the Figueroa Street Crossing (2-137.7) that the green clearance cannot necessarily be used with safety. It states: "The present order, providing for green clearance intervals, will result in the creation of a hazardous conflict at the adjacent street intersection of Marmion Way and Figueroa Street. An inspection of Exhibit 'B' <sup>2/</sup> of the application, a copy of which is attached hereto, clearly establishes this fact. The traffic signals, to be located at Figueroa Street southerly of the railroad tracks, will present green clearances for both Marmion Way and Figueroa Street if the order is not amended. The proposed amendment will allow the City to establish reasonable traffic signal displays

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<sup>1/</sup> All references are to sections of the Public Utilities Code.

<sup>2/</sup> Exhibit 1 herein.

for clearance of the tracks for both streets without presenting simultaneous green traffic signals on conflicting legs of the street intersection." We agree that the request should be granted for the reasons stated.

After consideration the Commission finds that:

1. The language of Decision No. 78380, apportioning maintenance costs for the protection at Crossing No. 2-137.8, should not be modified.

2. Paragraph 3 on page 2 of Decision No. 78380 should be modified as requested by the City of Los Angeles and as set out in the order herein.

3. In all other respects Decision No. 78380, dated March 2, 1971, in the above application should be affirmed.

The Commission concludes that paragraph 3 on page 2 of Decision No. 78380 should be modified as set out below and that in all other respects Decision No. 78380 should be affirmed.<sup>3/</sup>

#### O R D E R

IT IS ORDERED that:

1. Paragraph 3 on page 2 of Decision No. 78380, in Application No. 52337, is modified to read as follows:

"Crossings within 200 feet of a signalized street intersection shall have the approach circuits and timing apparatus adjusted so that the gate arms will be in a lowered position for approximately 25 seconds with limits of from 20 to 30 seconds in advance of the normally fastest train. The railroad signals and the respective traffic signals at Crossing No. 2-137.7 (Figueroa Street) and Crossing No. 2-137.8 (Marmion Way) shall be interconnected so that in the preemption phase initiated by an approaching train, the traffic signals shall first display an adequate clearance interval of sufficient length of time to clear all vehicles from the track area."

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<sup>3/</sup> It should be noted that this decision has the possible effect of modifying Decision No. 72251, dated April 4, 1967, in Case No. 8373. Said decision does not specify the type of preemption signal required at Crossing No. 2-137.7.

Except as modified by Ordering Paragraph 1 herein,  
Decision No. 78380 in Application No. 52337 is affirmed.

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

Dated at San Francisco, California, this 27th  
day of JULY, 1971.

William J. Harrison Chairman  
[Signature]  
Vernon L. Stinson  
Commissioners

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

Commissioner D. W. Holmes, being  
necessarily absent, did not participate  
in the disposition of this proceeding.