

Decision No. 11644

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Pacific Electric Railway Company for authority to construct and maintain at grade tracks across certain public highways in the City of Glendora and in the County of Los Angeles, State of California, and at grade across the railroads of the Southern Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company, in connection with the construction of its proposed railroad from a point in its present railroad line in the City of Glendora, thence in a general easterly and southerly direction to a connection with its Los Angeles-San Bernardino line at Lone Hill, in said County of Los Angeles.

ORIGINAL

Application No. 8369.

W. R. Miller, for applicant.
R. B. Bidwell, City Attorney, for City of Glendora
J. S. MacIntyre and W. A. Johnstone for San Dimas Chamber of Commerce.
G. W. Corrigan, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this application the Pacific Electric Railway Company asks for two things, namely:-

(1) Certificate of public convenience and necessity for the construction of its proposed railroad from a point in the City of Glendora southeasterly to a connection with its Los Angeles-San Bernardino Line at Lone Hill.

(2) The necessary authority to construct this track

and two spurs incident thereto across certain public roads, streets, highways, and railroads.

This proceeding is substantially the same as that presented in Application 3383 which was, by Decision 5192, denied because of war conditions then existing.

A public hearing on this matter was held in the City of Glendora before Examiner Williams on December 6, 1922.

The proposed railroad is to begin at the present terminus at the intersection of the Glendora line of the Pacific Electric Railway with the easterly line of North Minnesota Avenue in the City of Glendora, extend easterly a few hundred feet and thence curve southerly along the easterly side of North Banna Avenue. After crossing the main line of The Atchison, Topeka and Santa Fe Railway Company's main track a little over one-half mile south of the point of beginning, the proposed line turns easterly, practically parallel to the Santa Fe on its southerly side, for a distance of about two miles and thence easterly approximately one mile and a half to a connection with the San Bernardino line of applicant at Lone Hill.

The purpose of this railroad is to give a direct access from the Monrovia and Glendora sections to San Bernardino and Colton and Riverside districts. It is now necessary for freight and passengers moving between these two districts to be carried into Los Angeles and thence back again, the Glendora-Los Angeles line being approximately parallel to the Los Angeles-San Bernardino line. This situation is alleged to be particularly serious as to freight movement.

A considerable portion of the freight originating in the Monrovia and Glendora districts is citrus fruits, destined to eastern markets, and for such shipments Colton is the gateway, when moved by either Southern Pacific Company or Los Angeles and Salt Lake Railroad Company. To haul this freight into Los Angeles, a considerable delay is encountered in getting it through the congested yards, and evidence indicates that this delay is something in excess of one day. This delay is an important factor in the handling of such perishable freight, but, in addition to the delay, there is actual additional cost for handling. It is estimated that there will be shipped over this proposed line approximately five hundred cars of citrus fruit per year. In addition to this traffic, applicant expects to ship approximately five hundred cars of rock, which originates on the present Glendora line and will be destined to local points east, such as San Dimas and points beyond.

The movement of this freight, by way of Los Angeles, is hampered by the fact that applicant's franchises through the cities of Monrovia and South Pasadena, restrict the movement of freight to the night, and when this restriction is considered, for not only the traffic above mentioned, but also the rock and other traffic destined to Los Angeles and points north, the operating convenience that will be afforded applicant by the construction of the proposed line is emphasized.

The Vice President and General Manager of the Pacific Electric Railway Company testified that the proposed line is estimated to cost \$367,000, including the cost of right-of-way already purchased and amounting to \$72,000. He also estimated that there would be created additional passenger traffic to amount to \$40,000 and additional freight traffic to the amount

of \$68,000 or a total of \$108,000 gross revenue created, and that after allowing for anticipated increase in operating expenses, there would be, as a minimum, \$32,400.00 additional net income resulting from the operation of this line. On this basis, the return on the additional investment from new traffic alone would amount to approximately 9%, although, as far as the new traffic itself is concerned, it was admitted that the line was largely competitive with existing facilities.

The traffic already obtained by applicant in this territory is such that elimination of a 60-mile excess haul made possible by the construction of a four mile line is an important factor. Local fruit growers and business men appear to be unanimous in their desire for the added service which will be made available to their community upon the construction of this line.

In view of these facts, we are of the opinion that the public convenience and necessity justify the construction of this railroad as proposed by the applicant.

Incident to the construction of the above described main line, the following streets, roads and highways will be crossed in the unincorporated portion of Los Angeles County:

- (1) Cienega Avenue.
- (2) Covina Boulevard.
- (3) Juanita Avenue.
- (4) Gladstone Avenue.
- (5) Allen Avenue.
- (6) Compromise Road (sometimes known as Alosta Avenue).
- (7) South Lorraine Avenue.

The following streets, roads and highways will be crossed within the incorporated limits of the City of Glendora.

- (8) Ellwood Avenue.
- (9) Glenwood Avenue.
- (11) East Lemon Avenue.
- (11-A) East Carroll Avenue.
- (12) East Ada Avenue.
- (13) East Minnehaha Avenue (sometimes known as Foothill Boulevard).

In addition to the crossings of the main line, a proposed spur which will diverge from the main line immediately south of the crossing of The Atchison, Topeka and Santa Fe Railway Company's main track and extending westerly approximately one-half mile along the southerly side of the Santa Fe right-of-way for the purpose of serving a citrus packing house, would cross the following streets in the City of Glendora:

- (15) South Pasadena Avenue.
- (18) Glendora Avenue.

There is also proposed a spur track in the unincorporated portion of Los Angeles County which would cross the following road:

- (20) Juanita Avenue.

In addition to the above crossings, the original application requested permission to construct a track across the following streets in the City of Glendora:

- (10) East Fourth Street.
- (14) North Banna Avenue.
- (16) South Wabash Avenue.
- (17) Alley between Glendora and South Wabash Avenue.
- (19) South Santa Fe Avenue.

Inasmuch as it appears that North Banna Avenue has never been officially dedicated as a public street at the point of

crossing, and as it appears that East Fourth Street, South Wabash Avenue, Alley between Glendora and South Wabash Avenue and South Santa Fe Avenue have been vacated by ordinances of the City of Glendora, permission to construct these crossings is not now necessary.

As has been indicated above the proposed line will also cross the main line of The Atchison, Topeka and Santa Fe Railway Company in the City of Glendora. It will also cross a spur track of the Santa Fe near Allen Avenue, and the Covina Branch of the Southern Pacific near Lone Hill, both of the latter being in the unincorporated portions of Los Angeles County.

Conditions at each of the public streets, roads or highways and railroad which is necessary to be crossed, will now be briefly described.

No. 1 - Cienega Avenue is a paved road which carries a considerable rural and some through traffic; the view is obstructed by orange and lemon groves in all directions and under these conditions it appears proper that the crossing of this road should be protected by an automatic flagman.

No. 2 - Covina Boulevard is a relatively important through highway rather heavily travelled; the view is partially obstructed in all directions by orange and lemon groves and in addition to the protection of an automatic flagman, this crossing should be given the additional protection of having a member of the train crew proceed the train and flag the crossing in all cases where a car precedes a locomotive in passing over the crossing.

No. 3 - Juanita Avenue. The view at this crossing is somewhat obstructed on two corners but the road has but little highway traffic and is relatively unimportant.

No. 4 - Gladstone Avenue is a graded dirt road and at the point of crossing the view is somewhat obstructed in two directions. The road carries but little traffic and is relatively unimportant.

No. 5 - Allen Avenue is also a dirt road and the view is obstructed on one corner. This road carries practically no highway traffic.

No. 6 - Compromise Road, sometimes known as Alosta Avenue, is a macadamized road, the surface of which is not at present in good condition. It carries a through traffic and should be classed as a moderately important road. The view is practically unobstructed. The proposed railroad is adjacent to the main line of the Santa Fe at this location and although the conditions of traffic do not justify the installation of an automatic flagman at this time, such protection will undoubtedly be necessary at such time as the road is improved with a good quality hard surface pavement.

No. 7 - South Lorraine Avenue. The conditions at this crossing are very similar to the conditions at the Compromise Road crossing, except that there is a partial obstruction of view. The traffic is considerably less and more local in nature. Here also an automatic flagman does not seem to be required at this time but should be installed at such time as a good quality hard surface pavement is constructed.

No. 8 - Ellwood Avenue in the City of Glendora is a graveled street; the view is partially obstructed in three directions by citrus groves but the highway traffic on this street is quite light.

No. 9 - Glenwood Avenue is also a graveled street, with a partial obstruction of view in all directions but the street has but a slight amount of use.

No. 11 - East Lemon Avenue is an unimportant graveled street at which the view is not seriously obstructed, except in one direction.

No. 11-A - East Carroll Avenue is also a relatively unimportant graveled street. The view, however, is rather seriously obstructed on two corners.

No. 12 - East Ada Avenue is a relatively unimportant graveled street at which the view is quite seriously obstructed at three corners of the intersection.

No. 13 - Minnehaha Avenue This is by far the most important highway involved in this proceeding. This street, sometimes known as the Foothill Boulevard, is the route of the State Highway through the City of Glendora. The traffic is ordinarily very heavy and on Sundays and Holidays is congested. Applicant estimated that there would be from six to eight passenger trains each way daily over this new line in addition to one or two freight trains.

The highway at this location is on a two per cent descending grade toward the west, while the railroad is on a one and one-half per cent descending grade to the south and is located in South Banna Avenue. This street is sixty feet in width, with the center line of the railroad located ten feet from the east property line, according to the plan filed with the application. The view is seriously obstructed in all directions at the intersection of Banna Avenue and Minnehaha Avenue. Applicant's engineer estimated that the cost of separating the grade of the railroad at Minnehaha Avenue at \$100,000, but admitted that this figure was approximate, stating that no detailed study had been made.

Applicant's general manager stated that, in his

opinion, the line would not be built if applicant were required to expend an additional \$100,000 at Minnehaha Avenue for separating grades, but no showing was made that this sum would be the cost, and this Commission cannot proceed to authorize a grade crossing of this importance upon so little evidence as to its necessity.

Every year considerable sums are expended in this state to eliminate grade crossings and the establishment of a grade crossing with such a heavily traveled and important highway as Minnehaha Avenue should not be lightly passed upon. It is usually most economical to provide the separation of grades concurrently with the initial construction of the railroad, rather than to separate the grades thereafter. The rapid growth in population and in the number of motor vehicles in this section of California, together with the increase of railroad traffic, lead to the conclusion that the separation of the grades of the railroad and Minnehaha Avenue should be a condition upon which granting of this application is made.

The order will provide that plans and specifications for the separated grade crossing shall be submitted to the Commission for approval. This will require a careful investigation of all the possibilities and cost, but need not delay the work of constructing the new line if a diligent investigation is made and the results promptly submitted to the Commission.

No. 15 South Pasadena Avenue This is a crossing of the proposed spur track south of the Santa Fe track; the view is partially obstructed; the street is not paved and the railroad traffic over this spur will probably be very light.

No. 18 - Glendora Avenue is a relatively important street that has not been paved; the view is unobstructed ex-

cept in one direction and this street is also one that crosses the proposed spur only.

No. 20 - Juanita Avenue This is a crossing of Juanita Avenue, above referred to in crossing No. 3, across a second proposed spur. The necessity for construction of this spur was not established and under this circumstance permission for this grade crossing will be denied.

Railroad Crossings

The crossing of the main line of The Atchison, Topeka and Santa Fe Railway Company is the most important railroad crossing. Although notified of the hearing, the Santa Fe did not enter an appearance. Applicant has agreed with the Santa Fe upon the terms for the installation, maintenance and operation of this crossing if made at grade. If made at grade, the crossing should be protected by a first class interlocking plant, which, the evidence indicated, will cost \$27,000. According to the agreement made with the Santa Fe, this first cost is to be borne by the applicant, but the agreement also provides that the cost of maintaining an interlocker at this location shall be borne one-half by the applicant and one-half by the Santa Fe.

Applicant's engineer estimated that the separation of the grades of the two railroads would cost approximately \$100,000 but here too, applicant stated no serious study had been made of the cost of a separated grade crossing.

With three shifts of towermen, the annual cost of maintenance and operation for such an interlocking plant is approximately \$4,000, which if capitalized at six per cent is equivalent to a capital expenditure of approximately \$67,000. Adding this to the estimated cost of interlocking, \$27,000, it

appears that the cost to both railroads of installing a grade crossing protected by an interlocking plant may be capitalized at approximately \$94,000.

Admitting, according to applicant's testimony, that it would cost \$100,000 to separate the grades - and it appears that this amount is liberal - there is little to choose between these figures. There is some doubt in our minds that the grade separation would actually cost as much as the figure given above and we are convinced that under these circumstances the crossing should be constructed with separated grades.

It should also be borne in mind that if either a grade crossing with interlocker or separated grades should prove the more economical then, with equal safety conditions, we feel it our duty to order the most economical because of its influence on rates.

Since the Santa Fe is obligated to pay for one-half the cost of operation and maintenance of an interlocking plant which is above estimated equivalent to a capitalized cost of \$33,000, it should contribute to the cost of grade separation to this extent or as this figure may be hereinafter revised in a supplemental order in this proceeding.

The proposed crossing over the spur track of the Santa Fe near Allen Avenue is also covered by an agreement between the interested parties. Because of the unimportance of this spur it appears that the only protection necessary at this time for that crossing is to require all engines, motors, cars or trains of the Santa Fe to come to stop before proceeding over the crossing.

The crossing over the Covina Branch of the Southern Pacific is also relatively unimportant, there being operated on this branch normally only one local freight train in each

direction daily. Although no formal agreement has been executed between the applicant and Southern Pacific, the representative of Southern Pacific testified at the hearing that his company offered no objections to the installation of this crossing upon the condition that the Pacific Electric trains stop before proceeding thereover. Inasmuch as this crossing is immediately adjacent to the westerly staff limit of the joint track now operated by both the Pacific Electric and the Southern Pacific between Lone Hill and La Verne, it is, as a practical matter, necessary for all Southern Pacific trains to stop near this point and there appears to be no particular objection in requiring this stop be made prior to proceeding over the crossing.

O R D E R

Pacific Electric Railway Company having made application for authority to construct its proposed railway from a point in the City of Glendora to Lone Hill and at grade across certain public highways in the City of Glendora and in the County of Los Angeles, State of California, and at grade across certain tracks of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, a public hearing having been held and the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity require the construction and operation of a railroad from a point at the present terminus of Pacific Electric Railway Company's track in the City of Glendora thence running in a general easterly and southerly direction to a connection with its Los Angeles-San Bernardino line at Lone Hill in the County of Los Angeles, therefore,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Pacific Electric Railway Company to construct its track at grade across Cienega Avenue, Covina Boulevard, Juanita Avenue, Gladstone Avenue, Allen Avenue, Compromise Road and South Lorraine Avenue in the unincorporated portion of the County of Los Angeles, State of California, and at grade across Ellwood Avenue, Glenwood Avenue, South Pasadena Avenue, East Lemon Avenue, East Carroll Avenue, East Ada Avenue and Glendora Avenue in the City of Glendora, County of Los Angeles, State of California, in the location as shown by Drawing No. M.W. 878-2 marked Exhibit "A" and filed with the application subject to the following conditions:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of said streets and highways now graded, with the top of rails flush with the pavement or roadway surface and with grades of approach not exceeding three (3) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Automatic flagmen shall be installed and maintained at the sole cost of the applicant for the protection of the following crossings, No. 1 Cienega Avenue and No. 2 Covina Boulevard, said automatic flagmen shall be of a type and installed in accordance with plans or data approved by the Commission.

(4) No locomotive or motor shall be operated across crossing No. 2, Covina Boulevard, with a car preceding said

locomotive or motor without first having been brought to a stop and a member of the train crew having preceded the car over the crossing for the purpose of warning approaching highway traffic.

(5) Applicant, shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(6) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that when and if the line of railroad for which certificate of public convenience and necessity is herein granted is constructed, applicant be and it is hereby directed to construct, at its sole cost and expense, its track across Minnehaha at separated grades according to plans and specifications which shall hereafter have been approved by this Commission.

IT IS HEREBY FURTHER ORDERED, that when and if the line of railroad for which certificate of public convenience and necessity is herein granted is constructed, applicant be and it is hereby directed to construct its track at separated grades across the main track of The Atchison, Topeka and Santa Fe Railway Company according to plans and specifications which shall hereafter have been approved by this Commission. The expense of constructing said separated grade crossing shall be borne by applicant, except The Atchison, Topeka and Santa Fe Railway Company shall contribute to the cost of said separated grade crossing the sum of thirty-three thousand (33,000) dollars unless said amount is altered by subsequent order of this Commission.

IT IS HEREBY FURTHER ORDERED, that permission be and

it is hereby granted Pacific Electric Railway Company to construct its track at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company in the location shown on the map marked 76-13142 attached to Exhibit "G-2" said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing said crossing, together with the cost of its maintenance thereafter in good and first-class condition shall be borne in accordance with the agreement marked Exhibit "G-2" attached to the application.

(2) For the protection of said crossing all engines, motors, cars or trains of The Atchison, Topeka and Santa Fe Railway Company shall come to a stop and not proceed over the track of Pacific Electric Railway Company until it is ascertained that it is safe so to do.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted Pacific Electric Railway Company to construct its track at grade across the track of Southern Pacific Company in the location shown on the map Drawing M.W. 878-2 marked Exhibit "A" filed with the application, said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing said crossing, together with the cost of its maintenance thereafter in good and first-class condition shall be borne by the applicant.

(2) All engines, motors, cars or trains on either railroad shall come to a stop before crossing the other track and shall not proceed thereover until it is ascertained that it is safe so to do.

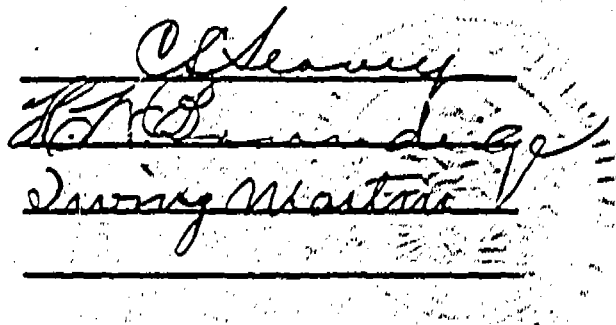
(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of each and all of the above said crossings as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED, that that portion of the application pertaining to the construction of a spur track at grade across Juanita Avenue (Crossing No. 20) be and it is hereby denied.

Dated at San Francisco, California this 9th day of February, 1923.



Commissioners.