

Decision No. 12866

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of)
the City of South Gate for a permit)
to cross the tracks of the Southern)
Pacific Company between the lines of)
Otis Street, Chestnut Avenue and)
California Avenue, extended across)
the tracks of said Southern Pacific)
Company in said city of South Gate. --)

Application No. 8948.

William Hazlett, City Attorney, and
Geo. L. Hampton, for Applicant.
W. I. Gilbert, for Southern Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application by the City of South Gate for permission to construct three public streets across the track of Southern Pacific Company at Chestnut Avenue, California Avenue and Otis Street, respectively.

A public hearing was held on this application in Los Angeles August 15, 1923, before Examiner Williams.

The City of South Gate, located immediately south of Huntington Park, extends a little more than three fourths mile northerly and southerly and approximately two miles easterly and westerly. The Santa Ana branch of the Southern Pacific Company runs in an easterly and westerly direction approximately bisecting the city. Traffic on the railroad amounts to four passenger and eight freight trains ordinarily in

a day. During the past two years this traffic has substantially increased so that the hazard incurred at a crossing of this road appears to be increased rather than decreased.

Adjacent to the railroad and paralleling it on each side there is a public street known as Independence Avenue. Other east and west streets are spaced at approximately one thousand foot intervals. Northerly and southerly streets are spaced at approximately three hundred foot intervals.

There are at present only two public crossings constructed across the railroad within the City of South Gate both of these being at grade and located respectively at Long Beach Boulevard near the westerly boundary of the city and at State Street approximately in the center of the city. Long Beach Boulevard is a through traffic artery extending from Los Angeles to Long Beach and carries a very heavy vehicular traffic. State Street is the principal business street of South Gate.

In this proceeding three additional crossings over the Southern Pacific are requested as follows: At Chestnut Avenue, which is in the western portion of the city; at California Avenue, which is in the easterly portion of the city; and at Otis Street, which is located near the extreme easterly corporate limit line of the city.

It appears that the crossing most urgently needed at the present time is that of Otis Street and this crossing is desired primarily for two purposes. First, to make a suitable route across the railroad at the easterly end of the city over which the municipal buses may be routed in order to advantageously provide local transportation in the city. The present route of these buses extends on and along Liberty Boulevard, an easterly and westerly street located approximately one thousand feet north of the railroad, and on Lincoln Boulevard, an easterly and westerly street

located approximately one thousand feet south of the railroad. Instead of shuttling the buses on these two streets with a thirty minute headway, it is proposed, with the opening of the Otis Street crossing, to run the buses by a loop arrangement in each direction increasing the service thereby to a fifteen minute headway. The other purpose for which the Otis Street crossing is desired is to give a more adequate access to the industrial district developing immediately east of the city in the unincorporated portion of the County of Los Angeles.

Otis Street extends northerly from the railroad to the Downey Road and connects thence through the communities of Bell and Maywood with Pasadena Avenue. It extends south from the railroad for several miles and if constructed across the railroad could be used as a through continuous route connecting Pasadena with the beaches. At the point of the proposed crossing with the railroad, the track is about six feet above the natural ground surface. It would be entirely feasible to construct Otis Street underneath the railroad at this point and the representatives of the city expressed the opinion at the hearing that this is the manner in which the crossing should be made. It was agreed that the city and Southern Pacific should jointly prepare a plan for constructing Otis Street underneath the railroad. Such a plan has now been prepared and submitted to the Commission, together with an estimate of cost given at \$33,210 of which \$7,290 is for providing pavement, sidewalk, and curbs, leaving a cost of \$25,920 for the subway itself. This plan has been approved by the Commission's engineers with the exception of elevation of the sidewalks which is a relatively minor detail.

Although there may be some question as to whether the local needs of the City of South Gate justify the expenditure of approximately \$25,000 for a subway at Otis Avenue, it does appear that the through traffic route of which Otis Avenue, if constructed across the Southern Pacific, would be a part, would be of sufficient importance, even as a

secondary road, to clearly determine that a grade crossing should not be authorized.

If a subway is built at this location it would seem proper in this instance that the major portion of the cost of the structure should be borne by the city. The principal benefit accruing to the railroad would be the relief that it would receive from grade crossing hazards for such traffic as will use the subway if constructed but would in its absence move across the railroad at some other grade crossing. The City, however, in this case, receives the benefit of an entirely new artery of traffic to assist in its development and were a new grade crossing authorized would impose an entirely new and additional hazard on the railroad. It must be recognized that a railroad has a certain responsibility in not unduly hampering or restricting the growth of a community or the movement of highway traffic across its tracks. It therefore appears, in this case, that it would be equitable that one-quarter of the cost of structure (exclusive of paving) should be borne by the railroad and that the remainder of the cost of the structure in addition to the cost of such roadway improvements as paving, sidewalks and curbs, as may be determined upon by the city, should be assessed to the municipality.

As to whether or not the City of South Gate, upon which the major portion of the financial burden will fall, will be sufficiently benefitted to justify this cost, is a decision which, in this case, it seems proper to leave to the City of South Gate, and for that reason a permissive, rather than a mandatory order will be made authorizing the construction of a subway at Otis Avenue.

The purpose of constructing California Avenue across the railroad is to provide a crossing in the easterly part of the city at a point approximately midway between the business district and the easterly city limits. California Avenue is a wide thoroughfare extending for a considerable distance both north and south of the

proposed crossing. At the point of crossing it is about five feet above the surrounding natural ground surface and it is at this point that there is a fifteen foot trestle for drainage purposes under the track. The necessity of this trestle is problematical under present drainage conditions. The difference in elevation between the track and the adjacent portion of California Avenue together with the presence of this trestle would make the installation of a grade crossing at this point not only somewhat expensive but at the same time unsatisfactory. There appears to be but little public necessity for the crossing of California Avenue at the present time and certainly not sufficient need to justify the expenditure necessary to affect a separation of grades. Although the future may require the establishment of a crossing at this point, at the present time it should be denied without prejudice.

The crossing of Chestnut Avenue is desired primarily to give the municipal bus system a suitable route across the railroad in the westerly portion of the city without making it necessary for the buses to go upon Long Beach Boulevard and encounter the heavy traffic on that thoroughfare. The railroad indicated that it would not oppose a crossing of Chestnut Avenue providing a certain private crossing located about eight hundred feet easterly thereof was closed. It appears, however, that the private crossing referred to serves an entirely different purpose than that which would be served by the crossing at Chestnut Avenue and that furthermore the matter of closing the private crossing is entirely within the discretion of the railroad regardless of the opening of any other street. The opening of Chestnut Avenue across the tracks should therefore be considered entirely upon its own merits. Here, also, there is but little local necessity for a crossing other than for the specific purpose of serving the municipal bus service. On the other hand the crossing at this point could be made at a minimum of expense and would involve a minimum of hazard. The view is entirely unobstructed in

all directions and the track is at approximately the same elevation as the adjacent portions of Chestnut Avenue. Chestnut Avenue itself is only a short street extending from Lincoln Avenue about one thousand feet south of the railroad to Santa Ana Avenue about two thousand feet north of the railroad and it crosses the railroad less than one-fourth mile from the crossing of Long Beach Boulevard.

In accordance with the established policies of the Commission it appears that in this case it would be better to concentrate all of the traffic in this portion of the city upon the principal crossing, Long Beach Boulevard, and to provide adequate protection at this point. The application as to this crossing should, therefore, also be denied.

O R D E R

The City of South Gate having made application for permission to construct public highways across the track of Southern Pacific Company at Otis Street, Chestnut Avenue and California Avenue in the City of South Gate, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the City of South Gate be and it is hereby granted permission to construct Otis Street beneath the track of Southern Pacific Company in the location shown on the map marked "Exhibit "A" attached to the application, said undergrade crossing to be constructed subject to the following conditions, viz:

(1) Design of the structure supporting the track over said Otis Street shall be substantially in accordance with plan shown on Southern Pacific Company drawing MWD 4382, sheet 1, with the exception that the sidewalks under said track shall be at an elevation of at

least four feet above the adjacent roadway.

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

(3) 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 cost of constructing said undergrade crossing of Otis Street shall be borne as follows:

(a) Seventy-five (75) per cent of the cost of constructing the crossing exclusive of the construction of pavement, sidewalks and curbs, shall be borne by the City of South Gate.

(b) Twenty-five (25) per cent of the cost of constructing the crossing exclusive of the construction of pavement, sidewalks and curbs, shall be borne by Southern Pacific Company.

(c) The entire cost of constructing pavement, sidewalks and curbs, shall be borne by the City of South Gate.

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

IT IS HEREBY FURTHER ORDERED, that permission to construct Chestnut Avenue and California Avenue, respectively,

across the track of Southern Pacific Company be and it is hereby denied without prejudice.

This order shall become effective ten (10) days after the making thereof.

Dated at San Francisco, California, this 26th day of November, 1923.

C. Leavy
H. B. Boudige
Egerton Shore
Commissioners.