

Decision No. 13443

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the County of Los Angeles, the City)
of Los Angeles, the Atchison, Topeka)
& Santa Fe Railway Company, the Los)
Angeles & Salt Lake Railroad Company,)
the Pacific Electric Railway Company)
and the Los Angeles Railway Corpora-)
tion, for a just and equitable appor-)
tionment of the cost of the construct-)
ion of six certain viaducts across the)
Los Angeles River, in the said City of)
Los Angeles at Macy, Aliso, First,)
Fourth, Seventh and Ninth Streets.)

Application No. 9671.

Edward T. Bishop, County Counsel, by Roy Dowds,
Deputy Counsel, for County of Los Angeles.

Jess E. Stephens, City Attorney, and Milton Bryan,
Deputy City Attorney, for City of Los Angeles.

E. W. Camp, for The Atchison, Topeka & Santa Fe
Railway Company.

A. S. Halsted, for Los Angeles & Salt Lake Railroad Co.

Frank Karr, for Pacific Electric Railway Company.

S. M. Haskins, for Los Angeles Railway Corporation.

BY THE COMMISSION:

O P I N I O N

This is a proceeding initiated by the joint application of the County of Los Angeles, the City of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company, the Los Angeles and Salt Lake Railroad Company, the Pacific Electric Railway Company and the Los Angeles Railway Corporation, in which this Commission is asked

to authorize the construction and to apportion the cost of six viaducts proposed to be constructed in the City of Los Angeles for the purpose of improving street traffic conditions and eliminating grade crossings of certain streets in Los Angeles over the tracks of the Santa Fe and Salt Lake railroads adjacent to the Los Angeles River.

The channel of the Los Angeles River traverses the city from north to south. On either side of this channel and adjacent and parallel thereto are the main line tracks of the Santa Fe and Salt Lake railroads. The channel and the adjacent tracks are crossed approximately at right angles by Macy, Aliso, First, Fourth, Seventh and Ninth Streets. Bridges have been constructed and are maintained at each of these crossings. At First and Fourth Streets the bridges are extended over the adjacent railroad tracks, but at the other crossings the street, in each instance, is at grade with the steam railroad tracks at each end of the bridge. It is proposed in the present application to construct viaducts at each of these six crossings which will supplant the present river bridges, and will also in each case be extended so as to carry all pedestrian, vehicular and street car traffic over the tracks of the steam railroads.

Hearings in this matter were held at Los Angeles on February 6, and March 10, 1924, at which the applicants and other interested parties appeared and presented testimony dealing with the necessity for the construction of the proposed viaducts and probable cost thereof. Preliminary location sketches of each of the viaducts were presented, and completed plans and specifications were submitted covering the proposed Ninth Street viaduct. The Commission was asked to grant authorization, by preliminary order, for the immediate construction of the Ninth Street viaduct in accordance with the plans which have been submitted, reserving

for future consideration the detailed plans and other evidence (much of which will be submitted at later hearings) dealing with the other crossings.

The evidence before us indicates that the traffic crossing the Los Angeles River over the present structures is very heavy and is also increasing rapidly. It also appears that some of the present structures are old and of a character wholly inadequate to meet the present needs of travel. This is particularly true at the Ninth Street crossing.

Evidence is also before us which shows that the grade crossings to be eliminated by the proposed viaducts are, under the present conditions, not only dangerous but are a source of great inconvenience to the traveling public, which is often delayed by reason of the train movements of the Salt Lake and Santa Fe railroads over these crossings.

A careful consideration of the detailed plans and specifications covering the Ninth Street viaduct which have been submitted shows that the proposed structure will adequately and reasonably serve the convenience and necessity of the public. We see no possibility of interference by this proposed structure with any plan for the complete and comprehensive treatment of the grade crossing and traffic problem of the City of Los Angeles such as was proposed in prior proceedings before this Commission and in the proceedings now pending before the Interstate Commerce Commission, dealing with the erection of a new union passenger station. We shall, therefore, authorize the erection of the Ninth Street viaduct by this order rather than await the production of detailed plans, specifications and estimates and other evidence pertaining to the other proposed viaducts.

The interest of the individual applicants in this proceeding is not the same in each of the six crossings. The City of Los Angeles, the County of Los Angeles, The Atchison, Topeka

and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, by reason of the grade crossing elimination which is contemplated, are affected by all of the proposed viaducts. The Los Angeles Railway Corporation, however, in the operation of its street railway system, has tracks at the present time over the bridges at Macy, First, Fourth and Seventh Streets, but does not operate over the Aliso and Ninth Street crossings. The Pacific Electric Railway Company operates at the present time only over the Aliso Street crossing.

The four applicants directly affected by the Ninth Street crossing, namely, the County of Los Angeles, the City of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company, have agreed to share equally in the cost of construction of this viaduct, and have filed in the proceeding a written agreement to this effect. The Commission will accept the apportionment thus agreed upon by the parties affected as the basis for its order in this instance. This agreement, however, does not cover future cost of maintenance of the proposed viaduct, and insufficient evidence has been submitted to enable the Commission to make an order for the apportionment of such maintenance. This matter will, therefore, be reserved for further consideration in this proceeding.

The construction of all six of the proposed viaducts involves changes in the tracks and yards of the Santa Fe and Salt Lake companies, as well as possible changes in their general facilities. The agreement in question provides that the cost of said changes shall be treated as a part of the cost of construction of the Ninth Street viaduct. It is not possible, however, at this time to allocate to the Ninth Street viaduct a specific part of the cost of such changes, and the matter of such allocation will therefore be also reserved for further considera-

tion in this proceeding.

ORDER

Application having been made to this Commission for authority to construct six viaducts across the bed of the Los Angeles River and adjacent railroad tracks, for the approval of plans and specifications, and for an apportionment of the cost thereof among the several interested parties, as more particularly described in the above opinion; public hearings having been held, and it appearing that the public interest would be served by the immediate construction of the projected viaduct across the river and tracks at Ninth Street, in regard to which this matter has been duly submitted,--

NOW, THEREFORE, as a preliminary order in this proceeding, and reserving for farther consideration in a future order or orders the subjects of the apportionment of the cost of maintenance of said Ninth Street viaduct, of the amount of track and yard changes which may ultimately be declared to pertain to and be paid for as a part of this particular viaduct construction, and all matters relative to the construction, maintenance and apportionment of cost of the other viaducts mentioned in the application herein,

IT IS HEREBY ORDERED, that the County of Los Angeles, the City of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company be, and they are hereby authorized and directed to separate the grades of Ninth Street in the City of Los Angeles and the tracks of said railroads which at the present time cross said Ninth Street adjacent to the channel of the Los Angeles River in said city, in substantial accordance with the plans and specifications for a viaduct across said river at said Ninth Street which have heretofore been filed with this Commission in the above entitled

proceeding and marked "City's Exhibits Numbers 8A to 8J, inclusive. Minor changes in said plans and specifications not materially affecting the general character of the work may be made upon the written approval of the Chief Engineer of the Railroad Commission without formal modification of this order.

IT IS HEREBY FURTHER ORDERED, that the cost of said separation of grades and of the construction of said viaduct, including such installation expenses and the cost of changes in tracks and yards of the railroads upon the east and west banks of the Los Angeles River as may, by further order or orders herein, be allocated to this particular viaduct, be, and the same shall be paid as follows:

Twenty-five per centum (25%) by the County of
Los Angeles;

Twenty-five per centum (25%) by the City of
Los Angeles;

Twenty-five per centum (25%) by The Atchison,
Topeka and Santa Fe Railway Company; and

Twenty-five per centum (25%) by the Los Angeles
and Salt Lake Railroad Company.

IT IS FURTHER ORDERED, that the interested parties may agree that one of them shall acquire the necessary lands, settle claims for damages, and make contracts for the construction of said viaduct. Should they fail to agree in this regard, such disagreement shall be reported to the Commission, whereupon an appropriate order will be entered.

IT IS HEREBY FURTHER ORDERED, that this order be, and the same shall be, subject to the following conditions:

1. Clearances in this grade separation shall conform to this Commission's General Order No. 26.
2. Applicants shall cause to be filed with the Commission monthly reports of progress, with costs, during the period of construction, such reports to contain such information and data as may be required by the Commission.

3. The Commission reserves the right to make such further orders relative to the construction, operation and maintenance of said grade separation as it may hereafter deem right and proper.
4. If said viaduct shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

The effective date of this order shall be five (5) days from and after the date hereof.

Dated at San Francisco, California, this 21st day of April, 1924.

C. C. Seaver
H. B. Brundage
Egerton Shore

Commissioners.