

Decision No. 16013

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Electric Railway Company, a corporation, for authority to construct a spur track at grade across Los Angeles Street, Olive Street, Nubia Street, Bonita Avenue and Dalton Avenue, in the County of Los Angeles, California.

Supplemental and Amended Application of Pacific Electric Railway Company, a corporation, for authority to construct a spur railroad track at grade across Cypress Street, Walnut Avenue, Dalton Avenue, in Los Angeles County, California.

ORIGINAL

Application No. 11037.

Frank Karr, for Applicant.

Sanborn, Roehl & Smith, by E. H. Sanborn, for Reliance Rock Company, Intervenor in Behalf of Applicant.

Hugh Gordon, for Union Rock Company and J. E. Newlan, Protestants.

S. Howard Leech, for Improvement Committee of Baldwin Park.

C. H. Banks, for Baldwin Park Chamber of Commerce.

E. K. Albright, Interested Party.

C. F. Culver, for certain property owners.

Hugh R. Pomeroy, for Los Angeles County Regional Planning Commission.

BY THE COMMISSION:

O P I N I O N

The above-entitled proceeding, wherein authority is sought to construct a spur track at grade across a number of public highways in an unincorporated portion of Los Angeles County, is brought before the Railroad Commission under Section 43 of the Public Utili-

ties Act. The purpose of the proposed spur track is to afford a connection between applicant's line and the track system of the Reliance Rock Company, located at what is locally known as Kincaid.

Public hearings were held in this matter before Examiner Williams on June 29, 1925, January 8, 1926, and January 14, 1926.

The above-entitled application was filed on April 25, 1925, but it developed at the time of hearing of June 29, 1925, applicant had not secured a franchise from the Board of Supervisors of Los Angeles County to cross the highways involved. The matter was continued, therefore, until applicant had secured such a franchise. The date of further hearing was extended from time to time at the request of the applicant.

Applicant, on September 24, 1925, filed an amendment to its original application, which changed the location of the proposed crossing of Los Angeles Street and on December 28, 1925, filed its supplemental and amended application, completely changing the route of the proposed spur track and the location of the crossings concerned.

The track now under consideration involves crossing at grade Cypress Street, Walnut Avenue (Bonita) and Dalton Avenue.

CYPRESS STREET terminates on the west at Azusa Canyon Road and extends eastward several miles, serving the district to the north of Covina and to the south of Charter Oak. Between Azusa Canyon Road and Irwindale Avenue, within which distance the proposed crossing is located, Cypress Street is 40 feet in width. A traffic count (Applicant's Exhibit No. 2), taken December 29, 1925, shows that a total of 59 vehicles passed along Cypress Street in the vicinity of the proposed crossing during the 12-hour period from 6:00 A.M. to 6:00 P.M. Between Azusa Canyon Road and Irwindale Avenue, Cypress Street takes the aspect of a local highway. The traffic on this highway is heavier to the east of Irwindale Avenue than to the west, due to its connection with Covina Boulevard to the south at Irwindale Avenue. The view

at the proposed crossing is obstructed by orange groves on either side of the road. The map accompanying the application shows that applicant proposes to construct a railroad yard along its line from Cypress Street north to Olive Avenue extended east a distance of about one-quarter of a mile. It would therefore appear that train movements in the vicinity of Cypress Street would be at slow rates of speed, due to the proximity of this proposed yard and to the curved connection to Southern Pacific Company's track at a point 760 feet south of Cypress Street. These conditions, taken in conjunction with the indications that the train movements will be infrequent and the vehicular traffic light, tend to show that no special protection should be required for this crossing at the present time.

WALNUT AVENUE (Bonita) is the most important highway artery crossed by the proposed line. Its westerly terminus is now at Main Street, which is about a mile west of the proposed crossing, and it extends eastward through San Dimas and La Verne, affording a connection with the highway system serving the San Gabriel Valley.

Applicant's Exhibit No. 2, referred to above, shows that a total of 374 vehicles passed over this highway in the vicinity of the proposed crossing in the 12-hour period observed. Included in these vehicles are two school busses. At the present time Walnut Avenue is 50 feet in width. There is, however, a plan under consideration to make it a major highway artery, to be known as the Arrow Highway. Evidence submitted by the Los Angeles County Regional Planning Commission shows that at this time petitions are being circulated for the acquisition of the necessary rights-of-way for a new highway 100 feet in width, to carry a pavement 40 feet wide. It is planned that this highway, when completed, will relieve the congested condition on the Foothill Boulevard between the Claremont District of San Gabriel Valley and the city of Los Angeles.

The view at the proposed crossing of Walnut Avenue is not seriously impaired at this time. Applicant proposes to protect this crossing with an automatic flagman. While the traffic here is not heavy at this time, conditions indicate that it will materially increase as this district develops. If and when the proposed improvement of Walnut Avenue as a major traffic artery is realized, public convenience and necessity may then require that the grades between the highway and railroad, if the latter be constructed, be separated.

DALTON AVENUE is an unimproved highway. Applicant's Exhibit No. 2, referred to above, shows that 7 vehicles passed over this proposed crossing in the total 12-hour period observed. According to the plans of the Los Angeles County Regional Planning Commission, Dalton Avenue is to be made a secondary highway artery 80 feet in width. However, there are no plans under consideration for the improvement of this road at the present time. The view at the proposed crossing is not seriously obstructed, and it would seem that if the proposed crossing is constructed no special protective device should be required at this time.

The line of single track railroad proposed in the supplemental and amended application extends from a connection to Southern Pacific Company's Covina Branch near the intersection of Azusa Canyon Road and Los Angeles Street, in the vicinity of the unincorporated town of Baldwin Park, Los Angeles County, north to a connection with the Reliance Rock Company's system of tracks at Kincaid. The total length of this proposed track is a little less than two miles and for the greater portion of the distance is located approximately parallel to and about 660 feet east of Azusa Canyon Road. The line proposed in the original application was located approximately parallel to and about 700 feet west of Azusa Canyon Road. Pacific Electric Railway Company has secured permission from Southern Pacific Company to operate jointly over that portion of Southern Pacific Company's so-called

Covina Branch from a point near the intersection of the two companies' lines in Baldwin Park, to the point of beginning of the proposed track near the intersection of Azusa Canyon Road and Los Angeles Street, referred to above, a distance of a little less than a mile.

The testimony shows the business that may be expected on the proposed track to begin with will not require more than two train movements each way per day, nearly all of which will be deliveries from the Reliance Rock Company's plant. This plant now has a capacity of 750 tons per hour, but the business at the present time does not justify operating the plant at full capacity.

At present the Reliance Rock Company's plant has railroad service through a connection with The Atchison, Topeka and Santa Fe Company's line. The evidence shows that at this time approximately 30 per cent of the deliveries from the Rock Company's plant is turned over to Pacific Electric Railway Company for delivery to the consumer. It is evident that the proposed spur track will afford a more direct route of delivery for the greater part of the output of the Company's plant than prevails under the present service. Also, the construction of this spur will afford a lesser freight charge for a large percentage of the Reliance Rock Company's shipments, due to the ability to confine shipments to the originating railroad.

The Union Rock Company opposes the granting of this application but did not show that the construction of the several crossings would result in any unusual public hazard. It appears that the Union Rock Company is a business competitor of the industry that this proposed spur is intended to serve. Certain property owners in the vicinity of the proposed spur track contended that the construction of the track would create a hazard and prove detrimental to their property, while on the other hand, certain other interested parties

testified that the proposed track would be a benefit to this district.

Civic organizations of Baldwin Park appeared at the first hearing to oppose the original application, which involved not only crossing Los Angeles Street but also occupancy of a portion of it. These organizations, however, did not appear at the hearings on the amended application.

The record in this case indicates that it is in the public interest to grant this application and permission to construct the several grade crossings will be granted, subject to certain conditions.

O R D E R

Pacific Electric Railway Company, a corporation, having applied to the Railroad Commission for permission to construct a spur track at grade across certain streets in the unincorporated portion of the County of Los Angeles, public hearings having been held, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Pacific Electric Railway Company to construct its spur track at grade across Cypress Street, Walnut Avenue and Dalton Avenue in the unincorporated portion of the County of Los Angeles, State of California, as shown on maps designated as CE-7340 and CE-7361 attached to the supplemental and amended application herein; said crossings to be constructed subject to the following conditions, viz:

(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 the applicant.

(2) Said crossings shall be constructed of a width not less than twenty-four (24) feet, at angles of ninety (90) degrees to the railroad, with tops of rails flush with the road surface and with

grades of approach not greater than two (2) per cent; shall be constructed equal to or better than type shown as Standard No. 2 in General Order No. 72 of this Commission; 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) An automatic flagman shall be installed for the protection of said Walnut Avenue crossing, at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans and data approved by this Commission. The maintenance of said flagman shall be borne by applicant.

(5) If said crossings 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.

(6) Nothing in this order shall be construed as being an authorization other than to construct a spur track at grade across the thoroughfares herein named and this order is not to be considered as a certificate of public convenience and necessity under the Public Utilities Act of the State of California. Said spur track shall not be used for any other than spur track purposes, unless such a certificate shall first have been obtained from this Commission.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 17th day of February, 1926.

H. B. Brundage

C. Seaver

Ernest C. Coe

Leon Whitell

Commissioners.