

Decision No. 16029

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of the City of Los Angeles, The  
Atchison, Topeka & Santa Fe Railway  
Company, Los Angeles & Salt Lake  
Railroad Company, Pacific Electric  
Railway Company and Los Angeles  
Railway Corporation, to construct  
viaducts over Los Angeles River  
and adjacent railroad tracks.

Application No. 9671.

**ORIGINAL**

Edward T. Bishop, County Counsel, by Roy Dowds, Deputy  
County Counsel, for the County of Los Angeles.  
Jess E. Stephens, City Attorney, and Milton Bryan,  
Deputy City Attorney, for the City of Los Angeles.  
E. W. Camp, for The Atchison, Topeka & Santa Fe Railway Co.  
A. S. Halsted, for Los Angeles & Salt Lake Railroad Company,  
Frank Karr, for the Pacific Electric Railway Company.  
S. M. Haskins, for the Los Angeles Railway Corporation.  
C. I. Wheat, Attorney, for the Railroad Commission of  
California.  
Joe Crail, for Joseph Sresovich.  
W. G. Eisenmeyer, for Los Angeles Ice and Cold Storage Co.  
G. A. Holtz, for Shinn, Holtz and Lyon.  
George P. Bush, for Mr. Garland.

SEAVEY, COMMISSIONER:

O P I N I O N

The Seventh Street Viaduct, which is covered by this  
opinion and order, is the third of the six viaducts to be built under  
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. The costs of Ninth  
Street and Macy Street viaducts have already been apportioned under  
this Commission's Decisions No. 13443 and No. 14731, respectively.

Public hearings on the Seventh Street Viaduct were held in Los Angeles on October 1st and November 9th, 1925.

Detailed plans and specifications of the proposed Seventh Street Viaduct were introduced at the hearing held October 1st by the City of Los Angeles as its Exhibits Nos. 16-A to 16-M, inclusive. These plans appear to be satisfactory to the six applicants in this proceeding and the Transportation Engineer of the Commission has recommended that they be approved.

The plans call for a structure 71 feet wide over all with a 56-foot roadway and two 5-foot sidewalks and provision is made in the roadway and structure designs for a double track car line for the Los Angeles Railway Corporation. The viaduct approaches and the spans over the railroads will be of reinforced concrete bent and girder construction. The main river span will consist of a viaduct of a somewhat similar type of construction, superimposed on the present Seventh Street Bridge. The existing main river spans will be utilized as far as possible, the central portions of the arches being rebuilt and strengthened. The easterly approach begins between Rio and Anderson Streets, and the westerly approach begins at the easterly line of Santa Fe Avenue. It is planned to open a street parallel to the viaduct between Mission Road and Anderson Street on the north side of Seventh Street from Meyers to Anderson and a similar 50-foot street on the southerly side of Seventh Street from the Salt Lake tracks to Rio Street. Another street is also proposed along the south side of Seventh Street from Santa Fe Avenue to the property of the Santa Fe Railway. It has been suggested that Mesquit Street be lowered one foot and carried under the viaduct. Under such conditions it will be possible to secure a 9-foot vertical overhead clearance which is 5 feet less than the requirements of this Commission's General Order No. 26-a. However, if the City of Los Angeles finds

it desirable to construct this thoroughfare under the viaduct in order to accommodate such local traffic as can be conveniently handled under such an impaired clearance, it would appear proper that it be granted permission to do so, providing signs designating the kind of traffic allowed and the overhead clearance are properly posted on the sides of the viaduct and properly illuminated at night.

An interested property owner, Joseph Sresovich, objected to the viaduct plans submitted in evidence, claiming that his property, which has a frontage of 52 feet on the north side of Seventh Street and 225 feet on the east line of Anderson Street, would be ruined by the erection of the viaduct as proposed but that the lowering of the viaduct and Salt Lake tracks three feet would not ruin the property. He further claimed that the lowering of the viaduct six feet would save the City and all parties thousands of dollars. Merrill Butler, Bridge Engineer of the City of Los Angeles, testified that this property would not be ruined but that Anderson Street would be raised to meet the viaduct and that the street rearrangements hereinbefore mentioned were designed to effect the minimum of property cost in connection with the viaduct and that the cost of the viaduct itself was merely one item of several in the total cost of separating the grades at this location.

The Seventh Street Viaduct itself is only one part of the larger plan of separating the grades at Ninth, Seventh, Fourth, First, Aliso and Macy Streets. The whole scheme of separating the grade at the several viaducts has been thoroughly investigated and covered by the Engineering Department of the Commission in its report on "Railroad Grade Crossings and Terminal Investigation in Los Angeles," known as the "Sachse Report". In that investigation the most economical and suitable general plan of separating these grades was determined and it appears that the plans introduced by the City of Los

Angeles for viaducts at Ninth, Macy and Seventh Streets are substantially in accordance with this general plan.

When, as in this instance, in the consummation of a comprehensive project, the individual opinions of interested property owners are opposed to the carefully considered opinion of well qualified engineers, who have based their conclusions upon thorough study, there can be little question as to which testimony should be given the greater weight. The plan recommended by the City's Engineer, the engineers of the other applicants, as well as by the Commission's Engineers, should therefore be approved.

It will be necessary, during the construction of the viaduct at Seventh Street, for the Los Angeles Railway Corporation to reroute its lines of cars now using the existing bridge. It is the judgment of the management of the street railway company that a walking transfer of passengers is not desirable because of the large volume of travel. This conclusion appears sound. Two routes are available over which to reroute the Seventh Street line, namely: (1) by the Fourth Street Viaduct and (2) the new Ninth Street Viaduct, estimated by the Los Angeles Railway to cost \$94,412. and \$189,149., respectively, and estimated by the Commission's Engineers to cost \$33,700. and \$97,690., respectively. The estimates of \$94,412. and \$189,149. of the Los Angeles Railway Corporation include the sums of \$68,044. and \$36,900., respectively, for extra cost of operation via the two temporary routes. No allowance for these items<sup>is</sup> included in the estimates of the Commission's Engineers.

Considerable testimony was introduced to show that the Ninth Street Route would be a more convenient and possibly a somewhat more dependable route than Fourth Street. I am not convinced that there is a difference between these routes that should be considered controlling for temporary operation and the more economical plan should be given preference. However, there certainly can be no objection to the Los Angeles Railway, if it so chooses, using the Ninth Street Route, pro-

vided that only the reasonably necessary cost of making available the cheaper route should be considered as a part of grade separation cost to be apportioned among the several interested parties.

Estimates of the cost of constructing this grade separation made by the interested parties and by the Engineers of the Commission compare as follows:

<u>Item</u>	<u>Estimate By</u>	<u>Interested Parties</u>	<u>C.R.C. Eng. Dept.</u>
Cost of Viaduct	City of L.A.	\$493,761.	\$503,029.
Property Damage,	" " "	491,650.	491,650.*
Santa Fe track changes,	Santa Fe	234,120.	177,443.
Salt Lake track changes,	Salt Lake	197,500.	210,084.
Los Angeles Rwy. work,	L.A. Ry. Corp.	151,647.**	68,728.**
		<u>\$1,568,678.</u>	<u>\$1,450,934.</u>

\* Note: City's estimate of property damage used by C.R.C. Engineering Department without check.

\*\* Based on rerouting via Fourth Street.

The Salt Lake estimate of track changes does not include future work of establishing permanent grade between the Seventh and Fourth Street Viaducts, which is chargeable to Seventh Street, whereas the Engineering Department estimate does. The Los Angeles Railway Corporation estimate includes \$14,605. for removing and replacing transmission line adjacent to the Seventh Street Viaduct and \$68,044. for extra cost of operation via detour route during construction, which are not included in the estimate of the Commission's Engineering Department. The Santa Fe in its track changes estimates a much heavier concrete retaining wall than the Commission's Staff considers necessary and includes a new track scale installation not deemed a proper and necessary item in the cost of the viaduct by the Engineering Department of the Commission.

The Santa Fe (Exhibit No. 9) estimates the cost of removing the scale house and track and the cost of constructing a new scale, scale house and track at \$9,500. The Commission's Engineers (C.R.C. Exhibit No. 4) estimate the cost of moving the existing scale, scale house,

track and installing a new pit at \$3,100. It does not appear equitable to include the cost of a new scale, scale house and track, therefore the sum of \$3,100. will be considered a proper amount to charge to this item, to be included in the costs to be apportioned among the several applicants for this grade separation, in the event the Santa Fe elects to construct a new scale. For the purposes of the present decision, the estimated cost of \$1,450,934. will be used.

The apportionment of cost between the parties will now be considered. In this instance, as in the case of the Ninth and Macy Street Viaducts, all of the applicants, except the Los Angeles Railway Corporation, propose that the costs be divided equally between the interested parties, but as the Commission in the Macy Street decision has already set forth its opinion as to its duty where there is an absence of complete agreement among the applicants, it does not seem necessary to discuss that subject further.

The Commission's Transportation Engineer, Mr. A. G. Mott, made an analysis of three bases of apportioning the cost along the same lines as those made by him on the Macy Street Viaduct, but the analysis recognizes one fundamental difference between the grade separation now being considered and the two viaducts previously decided. This fundamental difference is that in the case of Seventh Street an adequate bridge already exists across the river and the problem is therefore purely one of grade separation. At neither Ninth Street nor Macy Street was the existing river bridges adequate for the street traffic. This essential difference in the construction problem in this instance, it was pointed out, suggests a fourth basis or theory, under which the cost would be divided equally between the surface users and the subsurface users.

If the amounts to be paid by the surface users, under this theory, were divided in the same ratio as those assessed to each of the surface users in the Macy Street Viaduct, the percentages of the total cost that would be borne by each of the surface users would be:

City of Los Angeles.	18%
County of Los Angeles	18%
Los Angeles Railway Corporation	14%

The amounts and percentages under each of these four bases are shown in summary form in the following table:

P A R T Y	Basis 1		Basis 2	
	Amount	Per Cent	Amount	Per Cent
City of Los Angeles	\$290,187.	20	\$336,081.	23.16
County of Los Angeles	290,187.	20	336,081.	23.17
Los Angeles Rwy. Corp.	290,186.	20	106,609.	7.35
The A. T. & S. F. Rwy. Co.	290,187.	20	340,444.	23.46
L. A. & S. L. Railroad	290,187.	20	331,719.	22.86
T O T A L	\$1,450,934.	100	\$1,450,934.	100.

P A R T Y	Basis 3		Basis 4	
	Amount	Per Cent	Amount	Per Cent
City of Los Angeles	\$288,742.	19.90	\$261,168.	18.
County of Los Angeles	288,743.	19.90	261,168.	18.
Los Angeles Rwy. Corp.	201,286.	13.97	203,131.	14.
The A. T. & S. F. Rwy. Co.	340,444.	23.47	362,733.	25.
L. A. & S. L. Railroad	331,719.	22.86	362,734.	25.
T O T A L	\$1,450,934.	100.	\$1,450,934.	100.

All things considered, it appears that basis four (4) is a just and reasonable manner in which to apportion the costs of the viaduct in this instance among the various interested parties.

The interested parties have agreed that the line of demarcation of the track work to be charged to this viaduct shall lie half way between Seventh Street and Fourth Street and half way between Seventh Street and Ninth Street.

As in the case of the Macy Street Viaduct, the cost to be apportioned between the several parties should include only those incurred in necessary construction work, such as viaduct structural work, track depression and re-arrangement and costs incurred on account of damage to property. Any expense incurred due to temporary inconvenience of operation by any of the parties during construction,

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or any values due to remaining normal life of facilities retired that may be lost to any of the interested parties should be borne by the party incurring them, and not included in the cost of the work to be apportioned as above indicated. The cost of removing and replacing the Los Angeles Railway Corporation power line adjacent to the existing Seventh Street bridge, the cost of the new track in Ninth Street in excess of \$35,000. and the cost of a duplicate track scale for The Atchison, Topeka and Santa Fe Railway Company in excess of \$3,100. should, in my opinion, not be included among the items chargeable to this viaduct.

The following form of Order is recommended:

FOURTH SUPPLEMENTAL ORDER

The above entitled proceeding has been submitted insofar as the Seventh Street Viaduct is concerned and is now ready for decision.

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the construction of a viaduct to carry Seventh Street above and across the tracks of The Atchison, Topeka and Santa Fe Railway Company, the tracks of the Los Angeles and Salt Lake Railroad Company in the City of Los Angeles, County of Los Angeles, State of California, therefore,

IT IS HEREBY ORDERED that the City of Los Angeles, County of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company, Los Angeles and Salt Lake Railroad Company and the Los Angeles Railway Corporation, joint applicants herein, be and they are hereby authorized to construct Seventh Street above and across the tracks of The Atchison, Topeka and Santa Fe Railway Company, and the tracks of the Los Angeles and Salt Lake Railroad Company, in accordance with specifications and plans shown in City of Los Angeles Exhibits 16-A to 16-M, inclusive, filed on October 1, 1925, and that said plans and specifications for the entire viaduct are hereby approved.



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

Eighteen per cent	(18%)	By the City of Los Angeles.
Eighteen per cent	(18%)	By the County of Los Angeles.
Fourteen per cent	(14%)	By the Los Angeles Railway Corporation.
Twenty-five per cent	(25%)	By The Atchison, Topeka and Santa Fe Railway Company.
Twenty-five per cent	(25%)	By the Los Angeles and Salt Lake Railroad Company.

providing, however, that the costs so allocated shall not include the costs of the following items:

(1) Operating costs, due to temporary inconvenience of operation caused by the construction of this grade separation.

(2) Removal and replacement of high tension lines of Los Angeles Railway Corporation and of the Bureau of Power and Light of the City of Los Angeles, adjacent to the existing Seventh Street Bridge.

(3) The cost of duplicate track scales for The Atchison, Topeka and Santa Fe Railway Company, in excess of \$3,100., the estimated cost of moving existing scales.

(4) The cost of providing a detour route for the Los Angeles Railway Corporation via Ninth Street and Boyle Avenue to the extent that such detour route shall cost more than \$35,000., the estimated cost of providing a detour route via Fourth Street.

IT IS HEREBY FURTHER ORDERED that this Order be and it is subject to the following conditions:

(1) The line of demarkation of the track work to be charged to the Seventh Street Viaduct on both sides of the River, shall, for that portion between Fourth Street and Seventh Street, be placed at a point half way between the two viaducts, and the track work between Ninth Street and Seventh Street shall be divided in like manner.

(2) Clearances in this grade separation shall conform to this Commission's General Order No. 26-a, except as to the overhead clearance of Mesquit Street, where a nine-foot overhead clearance

may be established, providing the City of Los Angeles post signs on each side of the viaduct, warning of such overhead clearance and designating the kind of traffic allowed and providing further that such signs be illuminated at night.

(3) 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.

(4) The Commission reserves the right to make such further orders as to it may seem right and proper and to revoke its permission if in its judgment public convenience and necessity demand such action.

The effective date of this Order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24<sup>th</sup> day of February, 1926.

H. B. Burdige  
C. Sealey  
Edward J. ...  
Leon Whitell

Commissioners.