

Decision No. 17867

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Los Angeles Junction Railway Company)
for permission to construct its rail-)
road across certain public streets,)
railroad tracks and street railway)
tracks.)

Application No. 10649.
(Supplemental)

ORIGINAL

In the Matter of the application of)
Los Angeles Junction Railway Company)
for permission to construct its rail-)
road across Fruitland Avenue, a pub-)
lic street, in the City of Vernon.)

Application No. 13219.

Gibson, Dunn & Crutcher, by S. M. Haskins and
H. F. Prince, for Applicant, The Los Angeles
Junction Railway Company.

M. W. Reed, for The Atchison, Topeka and Santa
Fe Railway Company.

A. S. Halsted and H. B. Ellison, for Los Angeles
and Salt Lake Railroad Company.

H. G. Weeks, for Los Angeles Railway Corporation.

George A. Damon and Hugh Pomeroy, for Regional
Planning Commission of Los Angeles County.

E. B. East and A. H. Vernon, for Los Angeles
County Grade Crossing Committee.

D. DeCosta, Deputy County Counsel, for Los
Angeles County.

Frank Karr, for Applicant, Southern Pacific Company.

F. H. Towner, of Winston, Strawn & Shaw, Chicago,
associate counsel for Los Angeles Junction
Railway Company.

Leonard Merrill, for Miss Marian Dodson, landowner
in Vernon District.

SEAVEY, COMMISSIONER:

OPINION

Application No. 10649 was filed with the Commission on

December 1st, 1924, wherein authority was sought to construct a railroad across certain streets and certain railroad and street railroad tracks in and in the vicinity of Vernon, Los Angeles County, California.

The Commission issued its original order (Decision No. 15120) in this matter on June 30th, 1925. In that decision applicant was authorized to construct all the crossings sought in the application, except those on or along Fruitland Avenue, which were denied without prejudice.

A supplemental application was filed in this proceeding on October 4th, 1926, in which permission was sought to construct the crossings of Fruitland Avenue, denied in Decision No. 15120, at the following locations:

1. The intersection of Fruitland Avenue and Malabar Street.
2. The intersection of Fruitland Avenue and Pacific Boulevard.
3. The northerly one-half of Fruitland Avenue at a point about 500 feet east of Pacific Boulevard.
4. The Atchison, Topeka and Santa Fe Railway tracks (Redondo Branch) immediately west of the intersection of Fruitland Avenue and Malabar Street.
5. Los Angeles Railway Corporation street railway tracks (Huntington Park Line) at the intersection of Fruitland Avenue and Pacific Boulevard.

On October 4th, 1926, Application No. 13219 was filed with the Commission, wherein authority was sought to construct a spur track at grade across Fruitland Avenue at a point about 250 feet west of Downey Road in the City of Vernon.

A public hearing was held in the two above numbered applications at Los Angeles, December 10th, 1926, at which time it was stipulated that the two applications would be consolidated for hearing and decision and that all evidence adduced in the former

hearings in Application No. 10649 would be considered in evidence in this combined proceeding in so far as relevant.

The grade crossings proposed on Fruitland Avenue in Supplemental Application No. 10649 are identical with those sought in the original application and reference is therefore made to the Opinion in Decision No. 15120, referred to above, for the general description of these crossings as well as a synopsis of the entire matter. It seems proper to mention again, however, that the proposed line on Fruitland Avenue would afford a connection between applicant's track system and that of the Southern Pacific Company by connecting to Southern Pacific Company's spur, the easterly terminus of which is on Fruitland Avenue immediately east of Santa Fe Avenue.

Applicant's Exhibit No. 11 shows that the shipments delivered to and from its tracks by the various railroads in carload lots for the year ending November 30th, 1926, are as follows:

COMMODITY	CARLOAD SHIPMENTS							
	A.T. & S.F.		L.A. & S.L.		S.P.		P.E.	
	In	Out	In	Out	In	Out	In	Out
Live Stock	1063	3849	3453	1703	4557	-	-	-
Autos	618	2	1706	1	2203	34	3	1
Fruits & Vegetables	67	5	194	3	483	5	4	10
Hay and Grain	260	29	129	5	524	46	17	22
Building Material	1164	24	198	6	417	40	460	5
Miscellaneous	195	321	120	39	196	284	98	48
T O T A L	3367	4230	5800	1757	8380	409	582	86

This tabulation shows that Southern Pacific Company delivers to the Los Angeles Junction Railway Company the greatest number of carload shipments of any of the carriers and that it handles over 50 per cent of all the stock delivered to applicant's

tracks. These stock cars are now turned over to the Los Angeles and Salt Lake Railroad for final delivery to the applicant over the track suggested herein for joint track agreement. To re-route these cars by way of Fruitland Avenue would not be a move toward better service on the railroad and would create additional hazard and interference to other traffic.

The record shows that the greater portion of Southern Pacific Company's dead freight is delivered to applicant's track by way of the Pacific Electric connection, which is a much more circuitous route than that offered by the Los Angeles and Salt Lake connection.

It appears from the record that the only important change in physical conditions surrounding the highway crossings involved herein that has taken place since the Commission made its former investigation, is that Pacific Boulevard has been paved from Fruitland Avenue northerly to the intersection of Santa Fe and Vernon Avenues. This improvement has undoubtedly increased the traffic importance of Pacific Boulevard. There appears no important change in the status of the railroad and street railroad crossings involved.

The Commission indicated in its Opinion of Decision No. 15120 that the most desirable way for Southern Pacific Company to effect a connection to applicant's track system was for it to secure from the Los Angeles and Salt Lake Railroad Company joint trackage rights over the Salt Lake tracks from Butte Street to applicant's tracks south of the Los Angeles River and east of Downey Road, a distance of about 1 3/4 miles, and the Commission, in its decision, made the following statement:

"The necessity of providing access for the Southern Pacific Company to reach the interchange yard of the Junction Railway is not questioned.

When there is a choice for this access as between a route which is short, direct and with only one grade crossing, for which negotiations for elimination are already under way and another route which is circuitous and involves hazard at several important grade crossings, both of highways and railroads, there can be no other conclusion reached but that the first described route should be used. It is therefore expected that the Southern Pacific will make an earnest effort to secure from the Salt Lake Railroad a satisfactory agreement in this matter."

At the hearing, December 10th, 1926, T. H. Williams, Assistant General Manager of Southern Pacific Company, testified that the officials of the Los Angeles and Salt Lake Railroad and his Company were unable to arrive at a satisfactory joint track agreement on this line, although he was not present at any conference where negotiations were being considered and could not give the Commission any information as to the proposals presented by each company. There is nothing in the record to show that Southern Pacific Company made an earnest effort to secure the desired running rights over this portion of the Salt Lake Line.

J. A. McNaughton, Vice-President of the Los Angeles Junction Railway Company, testified that although the primary object of building the proposed line on Fruitland Avenue was to effect a contact with Southern Pacific lines, his company had never requested Southern Pacific Company to build a connecting line to the Junction Railway Company's system, nor had his company ever made any effort to obtain privileges of joint track operation over that portion of the line of the Los Angeles and Salt Lake Railroad which now affords a physical connection between the Junction Railway and the rails of the Southern Pacific.

The evidence adduced in this proceeding confirms the Commission's former opinion that the proposed connection between applicant's track system and that of the Southern Pacific via Fruitland Avenue would be less desirable than the route which would be afforded by suggested use of the joint track, both from the standpoint of public service

on the railroad and from the standpoint of hazard and delay to the vehicular, railroad and street railroad traffic affected. The record in this proceeding does not appear to justify the Commission in deviating from the position it took in the former proceeding, as outlined in Decision No. 15120, with respect to the proposed crossings in Fruitland Avenue. The Commission is not justified in authorizing a hazardous and inconvenient connection as long as there remains any reasonable possibility of effecting a connection by a more direct and efficient route, which, at the same time, is less hazardous to the public.

In Application No. 13219 the Commission is asked for authority to construct a spur track at grade across Fruitland Avenue at a point about 250 feet west of Downey Road. This spur track connects to applicant's drill track which runs parallel to and about 300 feet north of Fruitland Avenue between Downey Road and Seville Avenue. The purpose of this spur track is to serve the property to the south of Fruitland Avenue and west of Downey Road, where it is planned to construct an industrial plant in the near future. The natural ground in this vicinity is practically level and the view at the proposed crossing is unobstructed at this time. No evidence was introduced in opposition to the granting of this application.

The property to be served is situated in an industrial district and naturally depends upon track service for its development. Fruitland Avenue is a gravelled street in this vicinity and carries a moderate amount of vehicular traffic at this time, although the record indicates that it may become a somewhat more important artery in the future.

From the record it appears that Supplemental Application No. 10649 should be denied without prejudice, and that Application No. 13219 should be granted. The following form of order is recommended.

ORDER

Los Angeles Junction Railway Company, having filed with this Commission the two above numbered applications, wherein authority is sought to construct its railroad at grade across certain public highways, a steam railroad and a street railroad, in the City of Vernon, County of Los Angeles, State of California, public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore

IT IS HEREBY ORDERED that the permission to construct the proposed track on Fruitland Avenue at grade across certain streets, The Atchison, Topeka and Santa Fe Railway Company's Rondo Branch and the Los Angeles Railway Corporation's Huntington Park Line, as sought in Supplemental Application No. 10649, be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to Los Angeles Junction Railway to construct a spur track at grade across Fruitland Avenue in the City of Vernon, County of Los Angeles, State of California, at the location hereinafter particularly described and as shown by the map (Exhibit "A") filed with and made a part of the application.

Description of Crossing

Beginning at a point in the north line of Fruitland Avenue 254 feet more or less west of the west line of Downey Road, a 40 foot street; thence southerly parallel with the Westerly line of Downey Road to the south line of said Fruitland Avenue.

Said crossing to be constructed subject to the following conditions, namely:

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

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission and of a width to conform to that portion of said avenue now graded, with the tops of rails flush with the roadway and with grades of approach not exceeding two (2) per cent; shall be protected by suitable crossing sign 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 crossing.

(4) If said crossing 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.

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

For all other purposes, 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 12th day of January, 1927.

Edward M. ...
H. H. ...
C. ...
Leon ...
...
commissioners.