

Decision No. 18534 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

City of Huntington Park, a municipal
corporation,

Complainant,

vs.

Southern Pacific Company, a railroad
corporation,

Defendant.

ORIGINAL

Case No. 2188.

In the matter of the investigation
on the Commission's own motion into
protection, construction, alteration
and necessity for the crossings of
the track of Southern Pacific Company
at Saturn Avenue, Lyfort Avenue and
Irvington Avenue, in the City of
Huntington Park, County of Los Angel-
es, State of California.

Case No. 2209.

A. A. Trippel and C. B. Hubbard, for the
City of Huntington Park.

H. W. Hobbs and C. W. Cornell, for Southern
Pacific Company.

John R. Berryman, Jr., for Los Angeles County
Grade Crossing Committee.

R. C. McAllaster, for the County of Los Angeles.

Chandler, Wright and Ward, for Robert Cohen & Co.

WHITSELL, COMMISSIONER:

OPINION

The above entitled proceedings involve, in a general way, the grade crossing situation of the various intersecting highways between Slauson Avenue on the north and Florence Avenue on the south with Southern Pacific Company's "San Pedro Branch" through the City of Huntington Park, Los Angeles County, California.

Case No. 2188 was filed with the Commission October 30th, 1925, wherein the City of Huntington Park asked the Commission to

make its order declaring various existing crossings over the railroad as public crossings and to require Southern Pacific Company to lower its tracks so as to make easy grades of approach at the Irvington Avenue and Lyfort Avenue crossings, respectively.

Case No. 2209 was instituted on the Commission's own motion January 15th, 1926, to determine the proper treatment at the Irvington, Lyfort and Saturn Avenue crossings, respectively.

A public hearing was held in Case No. 2188 January 8th, 1926, and consolidated hearings on Cases Nos. 2188 and 2209 were held on February 9th, March 9th, April 30th and December 15th, 1926, at Los Angeles, California, it being stipulated at the hearing had on February 9th that the two cases might be consolidated for hearing and decision.

The railroad involved herein is Southern Pacific Company's Main Line to the Harbor and is commonly called the "San Pedro Branch". Service to the Santa Ana District is also rendered over this line. The evidence shows that this is the shortest railroad route between Los Angeles and the harbor and that the tonnage on this line is constantly increasing. There are normally twelve freight train movements over this line per day.

This railroad passes through the City of Huntington Park in a north and south direction. The west line of the right-of-way marks the boundary between the City of Huntington Park and the unincorporated portion of the County of Los Angeles.

Harbor Truck Boulevard, which is an extension of Alameda Street to the south of the City of Los Angeles and is commonly called Alameda Street, is located parallel to and immediately west of the railroad right-of-way and is an important paved county highway which carries a large proportion of vehicular traffic

between Los Angeles and the harbor.

The grade crossings referred to herein are located between Slauson Avenue and Florence Avenue, both of which are important east and west highway arteries situated approximately one mile apart. There are four grade crossings over the said "San Pedro Branch" between these two major highways at the following streets, beginning at the north end: Belgrave, Irvington, Lyfort and Saturn Avenues. The respective distance between each of these crossings, measured in a southerly direction from Slauson Avenue, is approximately as follows: 750 feet, 2000 feet, 800 feet, 950 feet and 750 feet.

Irvington Avenue is the most important of any of the four highways which now cross the railroad between Slauson and Florence Avenues and is situated approximately midway between the two. If the plans of the Los Angeles County Regional Planning Commission are carried out, Irvington Avenue will become a link in a through east and west highway artery as it connects with Baker Avenue to the east of Huntington Park and to the west of Harbor Truck Boulevard there is a connection planned between Irvington Avenue and Merrill Avenue. Baker Avenue is now an important paved county highway extending east from Huntington Park through the Town of Bell and terminating at Rinconade, while Merrill Avenue extends west from Huntington Park, terminating in the Inglewood District. As testified to by Mr. Hugh K. Pomeroy, Secretary of the Los Angeles County Regional Planning Commission, "It may be that Irvington Avenue will be regarded as a major rather than a secondary highway and as such will require widening to 100 feet, 70 feet between curbs."

It appears that if and when the so-called Irvington Avenue project is effected as planned by the Los Angeles County

Regional Planning Commission or some comparable scheme, the grade crossing of this highway with Southern Pacific tracks will justify the expense of a grade separation. While no definite plans or estimates were presented, a number of witnesses testified that in their opinion the most economical method of effecting such a grade separation would be by means of constructing the highway under the railroad.

The evidence shows that the crossings at both Irvington Avenue and Lyfort Avenue have steep grades of approach. At the Irvington Avenue crossing there is a rise of about 2.5 feet in 12 on the west side of the railroad and about 3 feet in 20 on the east side, while at the Lyfort Avenue crossing the rise is about 3 feet in 12 on the west side and about 3 feet in 30 on the east side. These excessive grades of approach create a hazardous condition and can be reduced by lowering the tracks, by raising the grades of the adjacent highways or a combination of both. In the complaint of the City of Huntington Park, Case No. 2188, it is proposed to provide light grades of approach by lowering the tracks for a distance of about 3500 feet, while Southern Pacific Company, the County of Los Angeles and the Commission's Engineers recommended that the grades of approach at Irvington Avenue be reduced by raising the adjacent highways and that the grade crossing at Lyfort Avenue be closed for want of sufficient public necessity to justify the expenditure that would be necessary to reduce the approach grades at this crossing.

Various estimates were presented to show the cost of carrying out the respective plans. City of Huntington Park's Exhibit "F" shows the estimated cost of lowering the track to be \$27,792.00. The City of Huntington Park filed a copy of a con-

tractor's bid (Franklin B. Gridley) of \$28,000.00 for lowering the tracks. Instructions to the bidders show that Southern Pacific Company is to furnish all necessary ballast F.O.B. on the job and pay \$500.00 toward protection of traffic and also bear engineering expenses up to a sum not to exceed \$600.00.

Mr. W. L. Raven, engineer for Southern Pacific Company, testified that it would cost \$59,450.00 to lower the tracks under traffic and \$47,300.00 not under traffic. Commission's Exhibit No. 1, presented by J. G. Hunter, one of the Commission's engineers, shows the estimated cost of lowering the track, as proposed in City of Huntington Park's Exhibit "B", to be \$43,407.00 and to lower the track to approximately the level of Alameda Street at Irvington and Lyfort Avenues would cost \$45,009.00.

One item which contributes to a material difference in the above estimates is the unit cost applied for earth excavation, the City of Huntington Park using 50¢ per yard, the Commission's Engineers suggesting 75¢ per yard and Southern Pacific Company's estimates being based upon \$1.00 per yard.

The cost of constructing the crossing over Southern Pacific Company's 62.5 foot right-of-way, involving 3 tracks, at Irvington and Lyfort Avenues, respectively, is not included in any of the above estimates. The Commission's Exhibit No. 1 shows the estimated cost of constructing a creosoted plank crossing at either of these highways to be approximately \$2,000.00.

Mr. O. F. Cooley, Assistant County Road Commissioner, Los Angeles County, testified that the County Engineers estimated it would cost approximately \$11,000.00 to construct a good grade crossing over the tracks at Irvington Avenue by raising both Harbor Truck Boulevard and Irvington Avenue east of the railroad to the

approximate present level of the rails, this figure including a paved crossing over the railroad right-of-way. None of the above estimates include allowance for property damage or any special protective device for grade crossings.

Los Angeles County Exhibit No. 1 shows a plan for the improvement of the grade crossing at Irvington Avenue, whereby the pavement on Irvington Avenue is raised from a point about 80 feet east of the east line of the railroad right-of-way to meet the level of the present main track. This plan requires a fill of about 2.5 feet at the east line of the railroad right-of-way. The grade of approach in this plan is 4 per cent on Irvington Avenue and 1½ per cent on Harbor Truck Boulevard on each side of Irvington Avenue.

Mr. E. B. Lowe, a realtor of Huntington Park, testified that if Irvington Avenue is raised for a distance of 150 feet east of the railroad with a fill of 3.6 feet at the east line of the railroad right-of-way, the damage to property on Irvington Avenue would amount to \$6,000.00. This sum would provide for 20-foot driveways along each side of Irvington Avenue for the entire length of the fill.

The Lyfort Avenue crossing was authorized by the Commission's Decision No. 4099, dated February 5th, 1917, in Application No. 2735. Condition (3) in this order provides that the grades of approach shall not exceed 6 per cent. This condition is not now complied with as these grades of approach are in excess of 20 per cent for a short distance. It appears that Lyfort Avenue is an unpaved local street and the volume of traffic crossing the railroad at this grade crossing is small. As shown above, the distances between the Irvington Avenue crossing and that of Lyfort

Avenue is about 300 feet. Regent Street is the first highway to the east of the railroad which affords a connection between Irvington Avenue and Lyfort Avenue. It is located about 150 feet from the railroad at Lyfort Avenue and about 300 feet at Irvington Avenue. There is a preponderance of evidence in the record to show that with a good crossing over the railroad at Irvington Avenue, public convenience and necessity will not justify the expense of improving the Lyfort Avenue crossing, as it should be and that unless this crossing is improved, the hazard existing under its present condition leads to the conclusion that it should be closed. It is my recommendation that an appropriate order be issued in Application No. 2735 annulling the authorization for this grade crossing and directing the railroad to close it.

After due consideration of the evidence in these proceedings, it appears that the grade crossing at Irvington Avenue should be improved by raising the grades of the adjacent highway to the approximate level of the present main tracks and that this grade crossing should be protected by an automatic flagman. This conclusion is supported by the fact that this plan will provide a good crossing at considerable less cost than would obtain if the tracks were lowered and will best coordinate with a grade separation at this location, if at a later date such a project is undertaken. It also appears proper that when the crossing at Irvington Avenue is improved, the crossing at Lyfort Avenue should be abandoned and effectively closed, as the traffic on this highway will not be seriously inconvenienced if required to use one of the adjacent crossings. While there was some evidence introduced to show that public convenience and necessity does not justify the continuance of the grade crossing at Saturn Avenue, which is located about 1750 feet south of Irvington Avenue, the

showing does not appear to justify an order directing that this crossing be closed at this time. The record shows that the grades of approach at this crossing, while unimproved, are practically level and the crossing involves only the two main line tracks.

As for the division of cost of improving the Irvington Avenue crossing, it seems equitable that this expense should be borne as follows: fifty (50) per cent by Southern Pacific Company, twenty-five (25) per cent by County of Los Angeles and twenty-five (25) per cent by the City of Huntington Park.

The following form of order is recommended:

O R D E R

Public hearings having been held in the above entitled proceedings, the Commission being apprised of the facts, the matters being under submission and ready for decision

IT IS HEREBY ORDERED that Southern Pacific Company do and it is hereby directed to improve the grade crossing of Irvington Avenue with its tracks in the City of Huntington Park, Los Angeles County, California, by causing to have raised the surface of Harbor Truck Boulevard and Irvington Avenue to the east of the railroad in such a manner that approaches can be constructed on grades to this crossing not to exceed four (4) per cent, and substantially in accordance with the plan shown by Los Angeles County's Exhibit No. 1 filed in this proceeding.

Said crossing shall be improved in accordance with the following conditions:

(1) The cost of improving said crossing of Irvington Avenue, as herein ordered, including an automatic flagman, shall be borne fifty (50) per cent by Southern Pacific Company, twenty-five

(25) per cent by the County of Los Angeles and twenty-five (25) per cent by the City of Huntington Park. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rail shall be borne by the City of Huntington Park. The cost of maintenance of that portion of said crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to the City of Huntington Park or the County of Los Angeles for the construction or maintenance of said crossing shall be assessed in any manner whatsoever to the operative property of Southern Pacific Company. The cost of maintenance of said automatic flagman shall be borne by Southern Pacific Company.

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

(3) 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.

IT IS HEREBY FURTHER ORDERED that the above entitled cases in so far as they involve Saturn Avenue be and they are hereby dismissed without prejudice.

IT IS HEREBY FURTHER ORDERED that upon the completion of the improvement of the Irvington Avenue crossing as directed in this decision, the public crossing over Southern Pacific Company's tracks at Lyfort Avenue in the City of Huntington Park, Los Angeles County, California, be effectively closed to public

travel, and upon the completion of the said improvement of Irvington Avenue, said Southern Pacific Company is hereby directed to construct the necessary barriers to effectively and adequately close the said Lyfort Avenue crossing. The expense of closing of said crossing shall be borne by the Southern Pacific Company.

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.

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

Dated at San Francisco, California, this 20th day of June, 1927.

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Leon Williams

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Commissioners.