

ORIGINALDecision No. 19030

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 construc-
 tion 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 County Counsel,
 for the County of Los Angeles.

Jess E. Stephens, City Attorney, by
 Milton Bryan and J. L. Ronnow,
 Deputy City Attorneys, for the
 City of Los Angeles.

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

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

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

Frank Karr, for Pacific Electric Rail-
 way Company.

SEAVEY, COMMISSIONER:

O P I N I O N

This opinion and order are concerned with the appor-
 tionment of cost of the First Street Viaduct, authorized to be
 constructed under Decision No. 18569, dated July 2nd, 1927, in
 this proceeding. Evidence in regard to this structure and to the
 apportionment of the cost thereof was introduced at the hearing
 held in this proceeding at Los Angeles on June 29th, 1927, at

which time the matter, as related to the First Street Viaduct, was submitted. Under Decision No. 18569, mentioned above, the plans for the viaduct, City of Los Angeles Exhibit No. 18, were approved; The Atchison, Topeka and Santa Fe Railway Company was authorized to maintain its passenger tracks under the new viaduct with present clearances until otherwise ordered by the Commission; and, Los Angeles Railway was authorized to route its First Street cars over the Macy Street viaduct during construction of the First Street viaduct. Only the apportionment of cost of this viaduct remains to be decided.

The general appearance, design and capacity of this viaduct are similar to the viaducts already authorized and built at Ninth, Macy and Seventh Streets, except that the grades of approach are slightly heavier than those on the other viaducts, being five (5) per cent, and the river portion is designed with two arch rings compared to three at Ninth Street and at Seventh Street and one at Macy Street.

The design of this viaduct is somewhat different from the plan suggested by the Engineering Department of the Commission in Figure 50, Page 178 of "Railroad Grade Crossing and Terminal Investigation - Los Angeles," (C.R.C. Ex. No. 1, Case 970 et seq.). The plans submitted by the city, under Exhibit No. 18 in this proceeding, place the floor of the bridge at a higher elevation by 3.63 feet than the plan in Figure 50 above referred to, as a result of carrying the viaduct over Santa Fe Avenue, which was not contemplated in the "Terminal Report." The new plans also contemplate a new street with 33 $\frac{1}{2}$ -foot roadway along the north side of the viaduct which will provide an outlet from Santa Fe Avenue to First Street and will allow of operation of street cars between those two streets.

Conditions, with respect to the First Street Viaduct, are slightly different than those encountered at the various viaducts already authorized in this proceeding.

At Ninth Street an obsolete highway bridge without street car facilities extended over the river and across the adjacent railroad tracks at grade.

At Macy Street separate obsolete highway and street car bridges were in existence at grade.

At Seventh Street an adequate modern bridge at grade for pedestrian, vehicular and street car traffic was in existence.

At First Street we find an obsolete bridge carrying street cars and vehicular and pedestrian traffic over the Los Angeles River and the adjacent railroad tracks at separated grades. The street car tracks are located along one side of the bridge which is in an unsatisfactory traffic condition and clearances over certain of the railroad tracks are impaired.

The estimated cost of this grade separation, based on the figures presented by the interested parties for their particular portions of the work, with Santa Fe tracks at legal clearance and with Santa Fe passenger tracks with impaired clearance, are respectively as follows:

Legal clearance	\$1,498,829.
Impaired clearance	\$1,378,527.

The estimated cost of the three previous viaducts was estimated as follows:

Ninth Street	\$855,425.
Macy Street	\$810,305.
Seventh Street	\$1,099,284.

The First Street viaduct is longer than any of the other viaducts and the track changes of the Santa Fe are more extensive than at the other viaducts, which two items account for the greater portion of the increased cost of this separation.

The apportionment of cost will now be discussed. Although all of the parties in the original application, except the

Los Angeles Railway Corporation, requested an equal division of the costs on the several viaducts, this attitude was modified at the hearing had on June 29th, 1927. At this hearing the steam carriers took the position that inasmuch as the Commission, in its apportionment of costs of the Macy and Seventh Street viaducts, had deviated from the basis of equal division of the costs between the parties, that the cost of each of the remaining viaducts should be likewise individually apportioned on their merits. Counsel for the City of Los Angeles admitted the fairness of such proceeding and acquiesced therein.

The Engineering Department of the Commission made an analysis of the apportionment of cost of this viaduct on the same three bases as were developed for Macy Street viaduct. These three bases, as set forth in Decision No. 14731 (26 C.R.C. 209) covering that viaduct, are as follows:

Basis 1. An equal division of cost between the five applicants primarily interested, similar to the apportionment agreed upon by four of these five applicants.

Basis 2. A division of cost based upon considerations related to the purpose for which the structure is to be constructed. The component parts of the reasoning under this basis might be summarized as follows:

(a) The cost of spanning the river (assuming no railroads involved) assessed to the political subdivisions.

(b) The cost of separating the grades of the street with each steam railroad, equally divided between the political subdivisions and the respective railroads. This includes the cost of raising the bridge spanning the river to the required elevation.

(c) The excess cost of the work due to occupancy of the street by the street railway, assessed to the street railway company.

Basis 3. A division of cost based upon the same consideration as Basis 2, except that the 20 ft. strip along the viaduct, which would be available for use of either street cars or other vehicles,

is considered under joint use by the Street Railway and the general public, and that therefore the Street Railway be assessed with not only the excess cost due to its occupancy, but in addition, one-half of the cost otherwise assessable to the political subdivisions for the construction of that 20 ft. portion of such design and strength as required for general street purposes.

Although at Macy Street grades were not separated, in the pending case they are inadequately separated, due to impaired clearances.

The analysis of the Engineering Department of the Commission, as set forth in Exhibit No. 6, shows the following percentages of cost prorated to each party on the three bases given:

SANTA FE CLEARANCES STANDARD

<u>Name of Party</u>	<u>Basis 1</u>	<u>Basis 2</u>	<u>Basis 3</u>
City of Los Angeles			
Amount	\$299,766.	\$387,899.	\$333,265.
Per cent	20	25.89	22.25
County of Los Angeles			
Amount	299,766.	387,899.	333,265.
Per cent	20	25.89	22.25
The Atchison, Topeka and Santa Fe Railway			
Amount	299,765.	434,275.	434,275.
Per cent	20	28.96	28.96
Los Angeles and Salt Lake Railroad Company			
Amount	299,766.	135,808.	135,908.
Per cent	20	9.06	9.06
Los Angeles Railway Corporation			
Amount	299,766.	152,948.	262,216.
Per cent	20	10.20	17.48
Total Amount	\$1,498,829.	\$1,498,829.	\$1,498,829.

SANTA FE IMPAIRED CLEARANCES RETAINED

<u>Name of Party</u>	<u>Basis 1</u>	<u>Basis 2</u>	<u>Basis 3</u>
City of Los Angeles			
Amount	\$275,706.	\$357,824.	\$307,425.
Per cent	20	25.97	22.30
County of Los Angeles			
Amount	275,705.	357,824.	307,426.
Per cent	20	25.97	22.31
The Atchison, Topeka and Santa Fe Railway			
Amount	275,705.	374,123.	374,124.
Per cent	20	27.12	27.13
Los Angeles and Salt Lake Railroad Company			
Amount	275,705.	135,808.	135,808.
Per cent	20	9.85	9.85
Los Angeles Railway Corporation			
Amount	275,705.	152,948.	253,744.
Per cent	20	11.09	18.40
Total Amount	\$1,378,527.	\$1,378,527.	\$1,378,527.

The Los Angeles and Salt Lake Railroad Company contended that the apportionment of costs of this viaduct, if based on its individual merits rather than on the equal division of costs between the interested parties, as proposed in the application, by all parties herein, except Los Angeles Railway Corporation, should be made in the same manner as under the agreement pertaining to the reconstruction of the Spring Street viaduct, copy of which said railroad company introduced as its Exhibit No. 10.

This agreement provides that the two steam roads, Salt Lake and Santa Fe, shall each pay the cost of lowering or realigning its tracks, where necessary, plus the extra cost of lengthening the spans over its tracks, estimated in the case of the Santa Fe at not more than \$4,000. and, in the case of the Salt Lake at not more than \$11,000. In addition, the Salt Lake agreed to waive property damage to its land fronting on North Spring Street, due to lengthening the viaduct.

The Commission was not a party to the drawing up of this agreement and has no knowledge of the costs entering into the construction of the separation and therefore is not in a position to pass upon the merits of the agreement. However, applying the basis of the Spring Street agreement to the pending case, we find that percentage of cost to the steam roads is fairly comparable to those of Bases 2 and 3 of Exhibit No. 6.

The County of Los Angeles urged that the percentage of through traffic at First Street was such that the County should not be assessed with as large a percentage of the cost as it had been in the previous cases. Since First Street is an important highway artery leading to the business center of Los Angeles, it does not appear practical to apportion the cost on percentages of through and local traffic. No practical method has been presented by which an apportionment of cost on use bases by the vehicular travel can be arrived at.

It therefore appears that the method set forth in Basis 3 is not unreasonable and with slight modification because of varying conditions is as fair a basis in general for assessing the costs of this grade separation as has been brought forward.

The following form of order is recommended:

O R D E R

IT IS HEREBY ORDERED that the costs of the separation of grades and of the construction of the viaduct at First Street, including the cost of changes in tracks and yards of the railroads upon the east and west banks of the river, as may be allocated to this particular viaduct by further order or orders herein, be and the same shall be paid as follows:

Twenty-three and one-half per cent (23½%) by
the City of Los Angeles,

Twenty-three and one-half per cent (23½%) by
the County of Los Angeles,

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

Ten per cent (10%) by the Los Angeles and Salt
Lake Railroad Company,

Eighteen per cent (18%) by Los Angeles Rail-
way Corporation.

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

(1) The lines of demarcation of the track work to be charged to the First Street Viaduct on both sides of the River shall be placed halfway between First and Fourth Streets and First and Aliso Streets.

(2) Each applicant to this proceeding financially interested in the construction of this viaduct shall, within sixty (60) days of the completion of its work chargeable to the viaduct, file with the Commission a completion report of that portion of the work performed by it, said report to show total cost of such work, together with the quantities of material used or moved, labor charges thereon and such other expenses as may have been incurred.

(3) Clearances in this grade separation shall, except as provided in the order in Decision No. 18569, dated February 24th, 1926, in this proceeding, conform to this Commission's General Order No. 26-C.

(4) The Commission reserves the right to make such further orders with respect to the construction, clearances and costs of this viaduct as to it may seem right and proper.

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 November, 1927.

Edmund Scott
C. Weaver
Leon Wheeler
Thos. B. Powell

Commissioners.