

ORIGINAL

Decision No. 19049

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
 City of Los Angeles for an order granting
 permission to the City of Los Angeles to
 construct a railroad track across certain
 tracks of the Pacific Electric Railway Com-
 pany and the Southern Pacific Company at
 grade, and determining and prescribing the
 manner and the terms of installation, opera-
 tion, maintenance, use and protection of
 such crossing.

Application No. 13737.

Frank Karr, for Pacific Electric Railway
Company and Southern Pacific Company.

Jess E. Stephens, City Attorney, and
Clyde M. Leach, Assistant City
Attorney, for Applicant.

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

CARR, COMMISSIONER:

O P I N I O N

The City of Los Angeles by this application seeks permis-
 sion to construct a railroad track at grade across tracks of the
 Pacific Electric Railway Company and the Southern Pacific Company
 at certain points in the Harbor District. Although not a part of
 this proceeding, the City proposes to separate the grades of this
 line with Harbor Truck Boulevard adjacent to the Southern Pacific
 Company's right-of-way. The railroad companies opposed the grant-
 ing of the application for a grade crossing of their Los Angeles-
 San Pedro Lines and contend that the crossings of these lines, if
 constructed, should be at separated grades.

Various hearings have been had on this application and
 the matter is now under submission and ready for decision.

By Decision No. 13663 (25 C.R.C. 42), dated June 9th, 1924, Decision No. 15121 (26 C.R.C. 721), dated June 30th, 1925, (Application No. 9712) and Decision No. 16412 (27 C.R.C. 861), dated April 5th, 1926, (Application No. 12517), the Commission permitted the City of Los Angeles to construct its municipal harbor railway at grade across Anaheim Road and Pacific Electric tracks therein at McFarland Avenue in the Wilmington District for the purpose of effecting a physical connection with the tracks of the Santa Fe and Los Angeles Harbor Railway Company, a subsidiary of The Atchison, Topeka and Santa Fe Railway. The use of this crossing at grade, however, was limited in the orders in those decisions to a period of two years and expires, under Decision No. 16412, on April 5th, 1928. The reason for this limitation, as expressed in the Opinions in the Decisions on the above applications, was that the City of Los Angeles was working out a plan by which in time all of the railroads entering the Harbor District would cross Anaheim Road under grade through the Dominguez Slough route. Prior to the last two decisions referred to above, the Commission authorized, by its Decision No. 14919, dated May 14th, 1925, (26 C.R.C. 448) in Application No. 11048, the construction of a viaduct on Anaheim Road over the Dominguez Slough to accommodate a drainage channel and to provide space which will be ample for the tracks of all railroads entering the Harbor. This viaduct has been constructed.

By the instant application, the City seeks to comply with the terms of said Decision No. 16412 by effecting a connection with the Santa Fe tracks and its harbor belt line railroad via the Dominguez Slough route, the connection to pass under the Anaheim Road viaduct. It appears that the City of Los Angeles and the Santa Fe Railway Company have entered into an agreement whereby the Railway has agreed to pay a portion of the expense of constructing the proposed entrance to the harbor.

In this proceeding, evidence was presented as to the plans perfected by the City of Los Angeles for handling rail traffic at the Harbor. These involve a classification yard to the north of the Dominguez Slough viaduct on Anaheim Road, from whence traffic could flow under Anaheim Road into and out of the Harbor District. Apparently this plan has been worked out very carefully in conjunction with the Greater Harbor Committee of Two Hundred of Los Angeles. This plan is shown upon a map offered in evidence by the City as Exhibit No. 8, copy of which is attached to this opinion and order as Exhibit "A". It is significant that representatives of all the various railroads entering the Harbor have certified on this map that the plan is feasible from a construction and operative and traffic standpoint. However, it is set forth on the Exhibit that the railroad companies are not committed to the adoption of the plan.

In view of the Commission's previous orders, heretofore referred to, and the evidence in this proceeding, it is obvious that the permission sought should be granted and the City facilitated in carrying out its plan of harbor development.

The Pacific Electric Railway Company and the Southern Pacific Company urged most strenuously that it would be more costly to cross their Los Angeles-San Pedro tracks at grade than it would be to construct an undergrade crossing. Estimates and counter estimates and revisions of estimates and criticisms of revisions of estimates were presented by the respective parties.

The railroad companies' estimates, including capitalized annual costs, show differences in costs between the estimates for a crossing at grade, as compared to an undergrade crossing to favor the construction of separated grades, while the city's corresponding estimates clearly show the opposite.

A careful consideration of the estimates does not support the contention that a crossing at grade is more expensive than an undergrade crossing, even including a capitalization of annual costs of operation and depreciation.

While the connection proposed herein by the City is sometimes spoken of as affording a permanent connection for the Santa Fe with the Harbor District, it is apparent that this expression was used to distinguish the connection from the temporary connection authorized by said Decision No. 16412. Ultimately, if the plans of the City are realized, the tracks which it proposes to construct under this proceeding will become industrial tracks to serve the district immediately north and west of the proposed crossings, while the main route to the Harbor for the Santa Fe will, in a general way, follow the line of Harbor Truck Boulevard from a point on its line on Slauson Avenue on the north to the classification yard referred to. Under this comprehensive plan, the tracks of the defendant companies to be crossed may in time also become minor industrial tracks.

The City indicates its willingness to construct suitable interlocking devices to protect three of the four crossings which it seeks permission to make. Such interlockers should afford adequate protection against danger to life or property at these crossings and it has been a common practice for the defendant railroads to make such installations. That the crossings, if allowed, will somewhat slow up passenger traffic on the Pacific Electric Railway Company's line cannot be questioned. The evidence shows, however, that there are now but four train movements per day on the Santa Fe entering or leaving the Harbor District via the McFarland Avenue connection and the City is agreeable to a plan which limits these movements to those portions of the day when traffic upon the Pacific Electric Company's lines is light. If such a plan is carried out, the establishment of this

grade crossing should not present any substantial inconvenience to the Pacific Electric's passenger service.

Estimates furnished by the opposing railway companies include items for doubling their present track facilities. However, the testimony of their witnesses shows that their existing facilities are ample for years to come and that the Pacific Electric can now handle 150% of its present traffic with these facilities. The Commission often has held, under such conditions, that the costs of installing additional facilities for distant future use should be paid for by the owning company desiring such facilities.

The following form of order is recommended:

O R D E R

City of Los Angeles, having made application to this Commission for an order granting permission to the City of Los Angeles to construct a railroad track at grade across certain tracks of the Pacific Electric Railway Company and the Southern Pacific Company at the points marked "W", "X", "Y" and "Z", as shown by the map (Exhibit "A") attached to the application, and for an order determining and prescribing the manner and the terms of installation, operation, maintenance, use and protection of such crossings, public hearings having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the establishment of crossings at the points applied for in this application and hereinbefore mentioned, therefore,

IT IS HEREBY ORDERED that permission be and it is hereby granted to the City of Los Angeles, County of Los Angeles, State of California, to construct and maintain a railroad track at grade across the following tracks:

1. Double main line track of the Los Angeles-San Pedro Line of Pacific Electric Railway Company at point marked "W" near Q Street;

2. The single main line track of the San Pedro Branch of Southern Pacific Company at point marked "X" near Q Street;

3. The single track of the Long Beach Line of Southern Pacific Company at "Y"; and

4. The single track of Wilmington-Long Beach Line of the Pacific Electric Railway Company at "Z";

all as shown on map "Exhibit A" attached to the application, said crossings to be constructed subject to the following conditions and not otherwise:

(1) The entire expense of constructing the crossings, including the costs of two first-class interlocking plants, one for the protection of crossings "W" and "X" and the other for crossing "Z", shall be borne by applicant.

(2) The maintenance of said crossings shall be borne by applicant. The maintenance of said interlocking plants shall be borne in accordance with such agreement as may be determined proper by the interested parties. Said agreement shall be filed with this Commission for approval within ninety (90) days of the date of this order. If the parties hereto are unable to reach an agreement on the division of the maintenance costs of said interlocking plants, the division of maintenance costs shall be apportioned by this Commission by supplemental order.

(3) Said interlocking plants shall conform to Commission's General Order governing installation and operation of interlocking plants and plans thereof shall be submitted to the Commission for approval.

(4) All trains, motors, engines or cars of applicant and of Southern Pacific Company shall stop before crossing the intersection of applicant's track with the track of Southern Pacific Company's Long Beach Line at crossing designated as "Y" and shall not proceed thereover until it has been ascertained that it is

safe so to do.

(5) No train, motor, engine or car of applicant shall be operated over said crossing at "W" (Pacific Electric's Los Angeles-San Pedro Line) from 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 7:00 P.M. daily.

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

(7) 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.

(8) 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 foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th day of November, 1927.

Ernest J. Calt
James
Leon J. Russell
Thomas J. Loretto
W. J. C.
Commissioners.

EXHIBIT "A"

MAP

Showing Plans Perfected
By
City of Los Angeles
For Handling Rail Traffic
At the Harbor

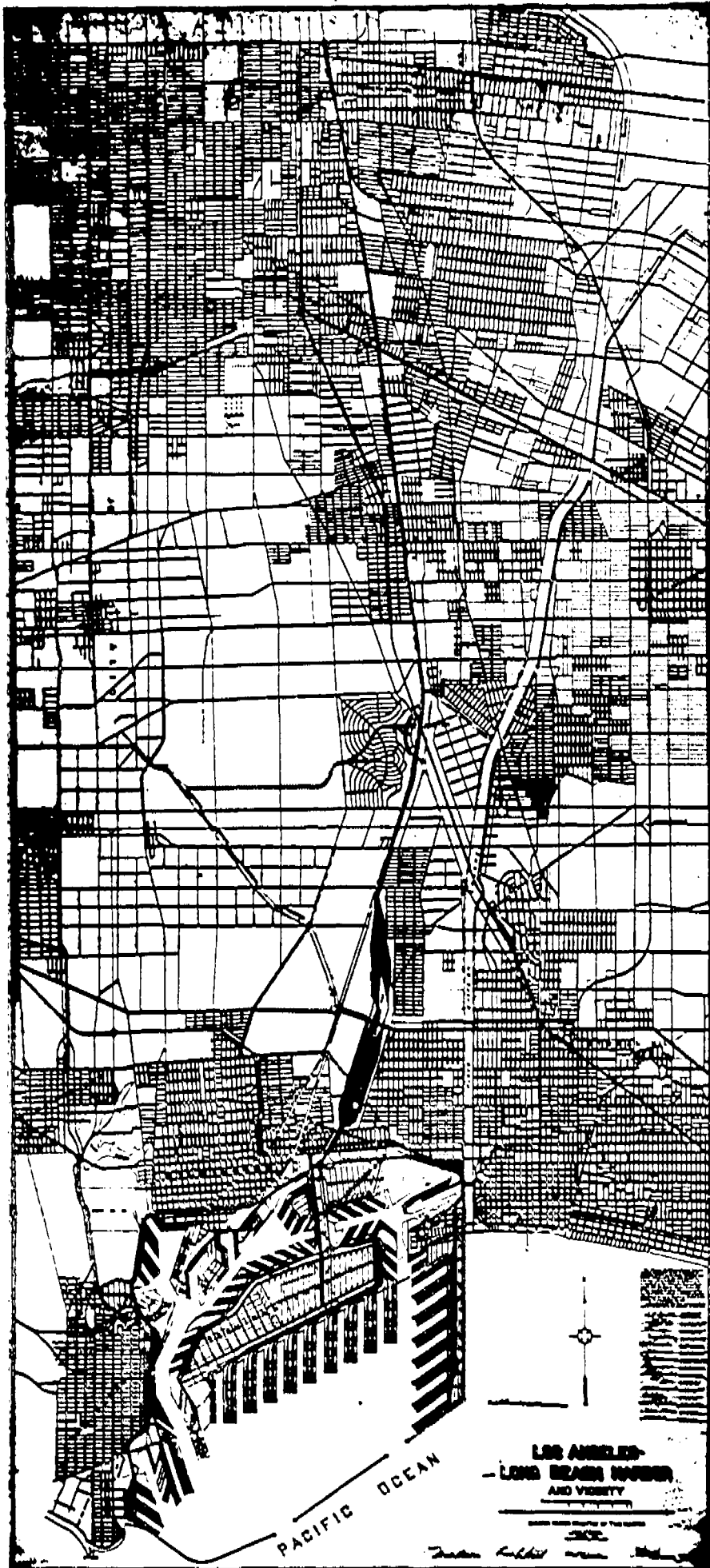


Exhibit "A"