

ORIGINAL

Decision No. 21248.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC RAILROAD COMPANY
and SOUTHERN PACIFIC COMPANY, its
lessee, for permission (1) to construct
certain railroad tracks at grade across
Gibbons Street and other streets on the
east bank of the Los Angeles River, and
across 16th and other streets and alleys
between 16th and Bay Streets near Lemon
as described in Ordinance No. 60120;
(2) to construct certain railroad tracks
at grade across the tracks of The Atch-
ison, Topeka and Santa Fe Railway Com-
pany at the following points: (a) (main
line) on the east bank of the Los Angeles
River near Humboldt Street; (b) (spur
track) at a point about 400 feet west of
Santa Fe Avenue and Butte Street; (c)
(spur track) at 15th Street and Santa
Clara Street; (3) and to prescribe the
terms upon which the separation of
grades at 9th Street shall be made and
the proportions in which the expense of
construction and of alteration of such
separation of grades shall be divided
between applicants, the Los Angeles and
Salt Lake Railroad Company and the City
of Los Angeles; all in the City of Los
Angeles, California.

Application No. 14832.

Frank Karr, for applicant

M. W. Reed, for The Atchison, Topeka
and Santa Fe Railway Company, interested
party and partly protestant.

J. O. Marsh, for Board of Public Utilities
and Transportation, City of Los Angeles,
interested party.

LOUTTIT, COMMISSIONER:

O P I N I O N

In this proceeding authority is sought to construct
applicants' tracks across certain public highways and other

tracks in the City of Los Angeles. For convenience these crossings will be considered in three groups, incident to applicants' proposal, (a) to build a connection between their main line and the tracks of the Los Angeles and Salt Lake Railroad Company located along the east bank of the Los Angeles River, which proposed connection will cross the main line of The Atchison, Topeka and Santa Fe Railway Company; (b) to build two wye connections between the tracks of the Los Angeles and Salt Lake Railroad Company on the East bank of the Los Angeles River and applicants' track in Alhambra Street; and (c) to build tracks across certain streets and alleys, and in addition across two spur tracks of The Atchison, Topeka and Santa Fe, all of which are located in the area between Butte Street on the North and Bay Street on the South and between Mateo Street on the East and Alameda Street on the West.

The Commission has heretofore, by its Decision No. 18877, dated October 4, 1927, and Decision No. 19276, dated January 20, 1928, in Application No. 13694, and Decision No. 21090, dated May 15, 1929, in both Applications Nos. 13694 and 15311, granted applicants authority to construct a number of the crossings applied for herein and located within the area last described above and designated as Group (c).

A public hearing was held in this matter at Los Angeles on May 28, 1929.

The City of Los Angeles, by its Ordinance No. 60120, filed with the application as Exhibit "A", has granted applicants authority to construct its tracks across the various streets involved herein. The crossings will now be discussed in the three general groups indicated above.

Group (a) - The only crossing involved in this portion.

of the proposed construction is the crossing of applicants' track over the main line of The Atchison, Topeka and Santa Fe Railway Company, immediately East of the latter company's bridge over the Los Angeles River. By Decision No. 21048, dated May 6, 1929, in Application No. 15500, The Atchison, Topeka and Santa Fe Railway Company was granted authority to elevate its tracks over Avenues 19, 20, (San Fernando Road), and 26 in the City of Los Angeles. Considering this improvement, together with the connection proposed by applicants herein and shown by Exhibit "H", attached to the application, it now appears that the most practical way of constructing a crossing between the two railroads is by separation, to be effected by elevating the tracks of the Santa Fe, which will involve raising the bridge over the Los Angeles River and depressing the proposed tracks of applicants under the Santa Fe line. It appears that both parties agree that this is the proper way to meet the situation but as yet no definite agreement has been reached between the parties as to division of cost or as to the manner in which the work shall be performed. Applicants requested that in the event an agreement could not be reached covering this separation, authority be granted for a grade crossing to be protected by a first-class interlocking plant. It would seem appropriate that the order herein should provide that the parties will be allowed a reasonable length of time to get together and agree, if possible, on division of cost and plan of procedure to effect this crossing; if, however, such a program cannot be worked out the Commission will, by subsequent order, dispose of the question of how the crossing shall be constructed, whether at grade or otherwise, and the division of cost of constructing and maintaining same.

Group (b) - The grade crossings involved in this group

consist of crossings over Gibbons Street, Lamar Street and Alhambra Avenue, all as shown on Exhibit "C" attached to the application. The record shows that the proposed crossings over both Gibbons and Lamar Streets will not affect vehicular traffic, as both of these streets are to be closed at the point of crossing. To accommodate traffic between these two streets, a new highway has been opened immediately East of the railroad right-of-way. With respect to the proposed crossing of Alhambra Avenue, the record shows that Alhambra Avenue, in the vicinity of the proposed crossing, is not a travelled highway, therefore no special protection should be provided at any of the crossings involved in this group.

Group (c) - The various crossings involved in this group are shown on Exhibits "F" and "I" attached to the application. As set forth above, the Commission has, by previous decisions, authorized a number of the grade crossings included in this group, particularly that of Ninth Street, where, by Decision No. 21090, the interested parties were authorized to construct a grade separation by carrying the tracks proposed herein, as well as the existing tracks of the Los Angeles and Salt Lake Railroad Company, over Ninth Street, which is to be depressed sufficient to provide the necessary standard clearance. With respect to vehicular traffic, Ninth Street is the most important highway in this group at this time. It appears that the only other streets of importance, crossed by the proposed tracks, are Fifteenth and Sixteenth Streets. Each of these highways are paved and carry a substantial volume of traffic. Of the two, Fifteenth Street is the more important. At this time the grade crossing of Fifteenth Street with the tracks of the Los Angeles and Salt Lake Railroad Company, located to

the West of the proposed tracks, is protected with crossing gates and it would appear desirable that some plan be worked out for a uniform type of protection for the grade crossing of Fifteenth Street with the tracks of the Los Angeles and Salt Lake Railroad Company, as well as the ones proposed herein if and when constructed. In the interest of uniformity, it would also appear desirable that the protection of the grade crossing of Sixteenth Street with the Los Angeles and Salt Lake tracks should be similar to that afforded for the protection of the proposed crossing at Sixteenth Street.

Mention was also made by one of applicants' witnesses relative to the proposed improvement of Eighth Street and Pico Boulevard. There does not appear, however, to be any definite plan for these improvements at this time and the Commission will dispose of the question of constructing such crossings and protecting the same with the proposed tracks if and when these highways are built.

The other grade crossings in this group are over streets of very little traffic importance; in fact, this is a section of light industrial and L.C.L. terminal character. It appears that no special protection should be required at any of the grade crossings involved herein, with the highways, except at Fifteenth and Sixteenth Streets.

Contained in this group are two proposed crossings between applicants' tracks and spur tracks of the Santa Fe, one at Butte Street and the other at Fifteenth Street, shown on Exhibit "I", attached to the application. The record shows that the Santa Fe is agreeable to stopping all train movements on each of their spur tracks and flagging movement over the proposed tracks if constructed. At Butte Street, where applicants' tracks connect with those of the Los Angeles and Salt Lake Railroad Company,

the speed of train movements will be necessarily slow and it does not appear that any speed restriction is necessary in the interest of safety to govern the movements on applicants' lines. With regard to the crossing of the spur track of the Santa Fe at Fifteenth Street, it would seem appropriate to place a speed restriction of ten miles per hour for movements on applicants' lines over this crossing.

After considering the evidence introduced in this proceeding, it appears that the application should be granted, in accordance with the plan set forth above as no opposition was presented to the granting of the application, and it appears that the proposed construction will be in the public interest and that applicant should be authorized to construct all the crossings set forth in Ordinance No. 60120 of the City of Los Angeles.

O R D E R

A public hearing having been held in the above entitled proceeding, the matter being under submission and now ready for decision, therefore,

IT IS HEREBY ORDERED that Southern Pacific Railroad Company and Southern Pacific Company be and they are hereby authorized:

I. To construct their tracks at grade across Gibbons Street, Lamar Street, Alhambra Avenue, Sixteenth Street, Fifteenth Street, Santa Clara Street, Eleventh Street, Hunter Street, Enterprise Street, Damon Street, Lemon Street, Wilson Street, Eighth Street, Sacramento Street, Lawrence Street, and the three East and West alleys between Ninth and Damon Streets to the East of Lemon Street and the East and West alley between Eighth and Sacramento Streets to the West of Lemon Street, all of which are more

particularly described in the application and shown on Exhibits "C" and "F" attached thereto, and also described in Ordinance No. 60120 of the City of Los Angeles granting applicants a franchise to construct their tracks across the various public highways involved, subject to the following conditions:

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

(2) Said crossings now opened to traffic, excepting 15th and 16th Streets, shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission; said crossings at 15th and 16th Streets shall be constructed equal or superior to type shown as Standard No. 3 in said General Order No. 72 and all of a width to conform to those portions of said streets and alleys now graded, with the tops of rails flush with the roadways and with grades of approach not exceeding four (4) per cent, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic.

(3) Applicants shall, before commencing the construction of said grade crossings at Fifteenth and Sixteenth Streets, respectively, file with the Commission, for its approval, a plan of providing some special protection for vehicular traffic at each of these crossings. When such plans are approved, and the crossings constructed, the protective device shall forthwith be installed and maintained at each crossing. Protection at these crossings should be similar to that to be afforded at the grade crossings of Fifteenth and Sixteenth Streets, respectively, over the tracks of the Los Angeles and Salt Lake Railroad Company, located immediately west

of applicants' proposed line.

II. To construct their tracks at grade across certain spur tracks of The Atchison, Topeka and Santa Fe Railway Company, as shown on Exhibit "I" and described as follows:

At Fifteenth Street:

"A double track railroad to cross The Atchison, Topeka and Santa Fe Railway Company's spur track located on East 15th Street, the center line of which is to intersect the center line of said spur track at an angle of 74° more or less at a point distant 15 feet, more or less, measured easterly along the center line of said spur track from its intersection with the southerly prolongation of the easterly line of Santa Clara Street, as shown on blue print map of Los Angeles Division Drawing B-674."

At Butte Street:

"A track to cross The Atchison, Topeka and Santa Fe Railway Company's spur track which is parallel with and distant northerly 36 feet, more or less, from the Union Pacific Railroad Company's main track, the center line of said proposed track is to intersect the center line of said Atchison, Topeka and Santa Fe spur track at an angle of $18^{\circ} 33'$ at a point distant 395 feet, more or less, measured westerly along the center line of said spur track from its intersection with the westerly line of Santa Fe Avenue, as shown on blue print map of Los Angeles Division Drawing B-674."

These crossings shall be constructed subject to the following conditions:

(1) The cost of constructing and maintaining said crossings shall be in accordance with an agreement between applicants and The Atchison, Topeka and Santa Fe Railway Company to be filed with the Commission and subject to its approval within a period of one-hundred twenty (120) days from the date of this order.

(2) No train, engine, motor or car shall be operated on said spur tracks of The Atchison, Topeka and Santa Fe Railway Company across proposed crossing at Butte and Fifteenth Streets, respectively, without first having been brought to a stop and

not proceed over the crossing until a member of the train crew or some other competent employee has gone on the crossing and given a signal to proceed.

(3) No train, engine, motor or car shall be operated on applicants' line over said crossing of Fifteenth Street at a rate of speed in excess of ten (10) miles per hour.

III. To construct their tracks at separated grades across the main line of The Atchison, Topeka and Santa Fe Railway Company, said crossing located on the East bank of the Los Angeles River and as shown on Exhibit "H" and described as follows:

A double track railroad to cross the main track of The Atchison, Topeka and Santa Fe Railway Company, the center line of which is to intersect the center line of said main track at an angle of $29^{\circ} 56'$, more or less, 41 feet, more or less, north of the north bulkhead of The Atchison, Topeka and Santa Fe Railway Company's Bridge No. 104A over the Los Angeles River, as shown on blue print map of Los Angeles Division drawing O-1272.

This crossing shall be constructed subject to the following conditions:

(1) Applicants shall, within a period of six (6) months and before the commencement of construction, file with this Commission, for its approval, an agreed plan with The Atchison, Topeka and Santa Fe Railway Company, setting forth the apportionment of cost of construction and maintenance thereof, together with plans showing how the separation is to be effected.

(2) Said separation shall be constructed with clearances conforming to the provisions of the Commission's General Order No. 26-C.

IV. In the event applicants and The Atchison, Topeka and Santa Fe Railway Company are unable to agree, within the allotted time, on plans and apportionment of cost of constructing and maintaining said separation of grades, as set forth above in Section III, the Commission will, after further hearing, dispose of this feature of the application, provided, however, that either of the railroads may present evidence to show that a grade crossing of these tracks should be authorized with appropriate protection.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall be subject to the following conditions:

(a) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and separation.

(b) If said crossings and separation are not installed within eighteen (18) months from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(c) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings and separation 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 17th day of June, 1929.

Thomas S. Lattin

W. J. Linn

Leon Whittell

W. J. Linn

Commissioners.