

Decision No. 21868.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on safety and necessity of grade crossing at Santa Fe Avenue and of the tracks of the Los Angeles Railway Corporation across the tracks of Los Angeles and Salt Lake Railroad Company and of The Atchison, Topeka and Santa Fe Railway Company at Butte Street, Los Angeles, California.

Case No. 2061.

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

Frank Karr, for Pacific Electric Railway Company.

Milton Bryan, for the City of Los Angeles.

Gibson, Dunn and Crutcher, by Woodward M. Taylor, for Los Angeles Railway Corporation.

WHITSELL, COMMISSIONER:

OPINION AND ORDER
REVOKING PRIOR ORDERS AND DISMISSING THE CASE

The Commission, by its Decision No. 17553, dated October 29th, 1926, on supplemental application in this proceeding, directed the City of Los Angeles to file with this Commission and the interested carriers a statement giving the location and grade of Washington Street in the vicinity of Santa Fe Avenue, as determined by the City of Los Angeles, together with such further amended plans of said separation of grades at Butte Street and Santa Fe Avenue as may be necessary when the location and grade of Washington Street at Santa Fe Avenue is finally determined.

The record in this proceeding shows that the City of Los Angeles has considered several plans for the extension of Washington Street east of Alameda Street across Santa Fe Avenue and the Los Angeles River. Due to certain complications arising, these various plans have been modified and in accordance with a request from the City of Los Angeles, the Commission has issued various orders extending the effective date for the filing of the plans of the Washington Street extension.

At the hearing on November 13th, 1929, the City submitted a plan (Exhibit No. 1), which shows that an active program is now being carried out to extend Washington Street east of Alameda Street to cross Santa Fe Avenue at a point approximately 200 feet north of Butte Street. This plan provides that the two streets will cross at approximately the present grade of Santa Fe Avenue. In the event of a future grade separation between Santa Fe Avenue and the tracks at Butte Street, assuming the highway is carried under the tracks, it would be necessary to lower the grade of the street intersection at Santa Fe Avenue and Washington Street. According to the testimony of the Bridge Engineer of the City of Los Angeles, this could be accomplished if and when it is desired to effect the separation involved in this proceeding.

At the hearing on November 13th, 1929, the City of Los Angeles requested that this case be dismissed for the present and offered the following reasons to support its position:

(1) Through the construction of major highways, alternate routes have been provided for vehicular traffic which did not exist at the time this proceeding was commenced and, therefore, the public need for a separation at Butte Street and Santa Fe Avenue is not nearly so acute at present as was the case when the Commission ordered the separation in its Decision No. 14755, dated April 7th, 1925.

(2) The City of Los Angeles is not in a position to finance its portion of this separation at this time and since there appeared to be many other public improvements which reasonably required the expenditure of public funds in advance of this project, it should, in accord with pub-

lice convenience and necessity, await later consideration.

(3) The opening of Washington Street undoubtedly will materially change the traffic situation in the vicinity of the proposed separation; therefore, it is requested that the matter be held in abeyance until it has been determined the results of the traffic flow over the tracks at Santa Fe Avenue after Washington Street has been opened.

The carriers, including the Los Angeles Railway Corporation, joined in the City's request to have this proceeding dismissed at this time, with the understanding that it would be taken up at a later date if conditions appeared to justify. A representative of the Automobile Club of Southern California stated that while he was not willing to join in the request, he was not in a position to oppose it.

After carefully considering all the evidence in this proceeding, I am not convinced that a grade separation between Santa Fe Avenue and the tracks on Butte Street is not justified, since it appears that Santa Fe Avenue will continue to carry a large volume of vehicular traffic, and there can be no question but that the train movements on Butte Street tracks will continue to seriously interfere with the vehicular traffic on Santa Fe Avenue. On the other hand, however, it appears proper, at the present time, to grant the request of the City and the carriers, to defer the separation of grades at this point. It is to be understood, though, that the dismissal of this application does not mean that the Commission takes the position that a grade separation at this point is not justified and the Commission may, in the reasonably near future, give further consideration to this matter.

The following form of order is recommended:

O R D E R

Further hearing having been had on this proceeding, on November 13th, 1929, at which time the City of Los Angeles and the carriers requested that the case be dismissed, the matter having been taken under submission and being now ready for decision,

It is Hereby Found as a Fact that the request of the City of Los Angeles and the carriers, to dismiss this proceeding, is reasonable, in view of the conditions set forth in the foregoing opinion; therefore,

IT IS HEREBY ORDERED that Decision No. 14755, dated April 7th, 1925, Decision No. 16018, dated February 20th, 1926, and Decision No. 17553, dated October 29th, 1926, in the above entitled proceeding, be and the same are hereby revoked.

IT IS HEREBY FURTHER ORDERED that Case No. 2061 be and the same is hereby dismissed.

Dated at San Francisco, California, this 6th day
December
of ~~November~~, 1929.

Thos D. Lott

O. J. Sawyer

Edmund J. [unclear]

Leon [unclear]

M. J. [unclear]

Commissioners.