

Decision No. 21914.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the investigation  
on the Commission's own motion into  
clearance conditions and safety of  
operations over the track laid in  
Violet Alley, in the City of Los  
Angeles and the City of Vernon.

Case No. 2758.

Frank Karr and R. E. Wedekind, for  
Southern Pacific Company.

A. S. Halsted and E. E. Bennett,  
for Los Angeles and Salt Lake Railroad Co.

Thurmond Clarke, Deputy City Attorney, for  
the City of Los Angeles.

Harry See, for the Brotherhood of Railroad  
Trainmen.

L. G. Guernsey and E. R. Young, for Pacific  
Pipe and Supply Company, Mefford Chemical  
Company, Shorten Curtis Corporation,  
Jonathan Bixby Company, R. R. Pollock, Inc.,  
and Republic Supply Company.

H. W. Packard and D. M. Niece, for Overall  
Furniture Company.

Robert Hutcherson, for Associated Oil Company.

BY THE COMMISSION:

O P I N I O N

This is a proceeding on the Commission's own motion to inquire into the clearance conditions and safety of operation over and along the track laid in Violet Alley, which extends from Seventh Street, in the City of Los Angeles, to Thirty-eighth Street, in the City of Vernon, a distance of approximately 1.4 miles.

Public hearings on this matter were held in Los Angeles on October 2nd and 23rd, 1929.

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This alley is fifteen feet in width and in the center thereof is constructed a railroad track, owned jointly and operated during alternate years by Southern Pacific Company and Los Angeles and Salt Lake Railroad Company. The track was constructed in or about 1906.

The Commission's General Order No. 26-C and predecessor orders, the first being General Order No. 26, effective January 1st, 1913, prescribe a minimum side clearance of 8' 6" from the center line of the track for this type of operation. As the alley is only fifteen feet in width, it is, of course, impossible to maintain standard side clearances if buildings are erected along the property line, as they have been in a great many cases.

The Commission's General Orders on the subject of clearances were adopted after extended investigations and public hearings and the clearances therein fixed were considered to be the minimum with which railroad operations could be conducted with reasonable safety. Of the total frontage along this alley, the evidence indicates that some 5,889 feet have clearances less than those prescribed by the General Order, the impairments being of varying amounts, in some cases as much as sixteen (16) inches. The impairments are of various kinds, some being created by permanent buildings, while others are caused by fences, trees, poles and projections to buildings. While the provisions of General Order No. 26-C are not by its terms retroactive, and the Commission has not made a practice of requiring the correction of all impaired clearances created prior to the promulgation of that order, the provisions of Section 42 of the Public Utilities Act clearly place upon the Commission the responsibility of prescribing conditions of reasonably safe operation for all public utili-

ties. The evidence in this case leaves no doubt but that very substantial hazards exist by virtue of the serious impairment of clearances along this extended piece of track and, although the record does not indicate that any accidents have actually occurred, this appears to be due to the fact that the yardmen working on this lead do so with extreme caution, because of the existing unusual hazards.

Under ordinary circumstances, it would be the Commission's duty to require an immediate correction of the clearances or cessation of railroad operation over this track but, because so many individual property owners are concerned and because of the fact that the most logical and economical method of correcting the clearances would be accomplished by an actual widening of the alley itself under appropriate widening proceedings of the municipality, it appears proper that a reasonable period should be permitted in order that the conditions may be corrected in this more economical and orderly manner. In the meantime, however, conditions may be somewhat improved at once by the removal, at nominal expense, of the various minor impairments, such as those created by fences, trees and unnecessary projections to buildings, together with the clearing up of underfoot obstructions. Also, some immediate relief could be given with respect to the impairments of the buildings themselves by illumination at night, with lights so installed and shaded as not to present a glare to the trainmen. The order will provide for the immediate correction of these minor impairments.

O R D E R

Public hearings having been held in the above entitled proceedings, the matter having been duly submitted and the Commission being fully advised,

IT IS HEREBY ORDERED that Southern Pacific Company, Los Angeles and Salt Lake Railroad Company, or any other common

carriers shall cease and desist operating over the track located in Violet Alley past any point at which clearances as prescribed by the Commission's General Order No. 26-C shall not have been provided on or before November 30, 1930.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company, Los Angeles and Salt Lake Railroad Company, or any other common carriers shall cease and desist operating over the track located in Violet Alley past any point at which the following conditions shall not have been complied with on or before March 1st, 1930:

(1) All projections extending beyond the face of buildings in such a manner as to result in side clearances less than those prescribed in General Order No. 26-C shall be removed.

(2) All impaired side clearances created by fences, trees or other objects, excepting buildings, shall be removed or corrected so as to comply with the provisions of General Order No. 26-C.

(3) The ground surface conditions in said Violet Alley shall be improved and maintained so as to provide a safe and convenient place for trainmen to walk along the track.

(4) The fronts or sides of all buildings having less than standard clearances, as provided for in General Order No. 26-C, shall be illuminated at night with lights so shaded as not to cause any direct glare to the trainmen operating cars over said track.

The Commission reserves the right to make such other or additional orders in the above entitled proceeding as may,

in its judgment, appear to be right and proper.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of December, 1929.

Thos O Lott  
Ch. Seaver  
Spencer  
Leon O'Connell

Commissioners.

I am unable to assent to the first portion of this order. Changing conditions or a different record may at some future time furnish justification for an order of the drastic character here made, but under the present record its justification is not sufficiently clear.

The second portion of the order is appropriate and finds convincing support in the record.



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Commissioner.