

Decision No. 22548.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CITY OF HUNTINGTON PARK, a municipal corporation,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY, a railroad corporation,

Defendant.

ORIGINAL

Case No. 2188.

In the Matter of the Investigation on the Commission's own motion into protection, construction, alteration and necessity for the crossings of the track of Southern Pacific Company at Saturn Avenue, Lyfort Avenue and Irvington Avenue, in the City of Huntington Park, County of Los Angeles, State of California.

Case No. 2209.

W. A. Hessick, for the City of Huntington Park.
O. F. Cooley, for the County of Los Angeles.
E. W. Hobbs, for Southern Pacific Company.
Chandler, Wright & Ward, by Chandler P. Ward,
for S. Karpen & Bros.

WHITSELL, COMMISSIONER:

SECOND SUPPLEMENTAL OPINION AND ORDER

The Commission, on February 2nd, 1931, issued its order setting aside Decision No. 22954, issued October 7th, 1930, in the above entitled proceedings, and reopened the cases for further hearing. A further hearing was held at Los Angeles on March 11th, 1931, at which time the matters were taken under submission.

The above entitled proceedings deal, in a general way, with the grade crossing situation of the various public highways between Irvington Avenue on the north and Florence Avenue on the south and Southern Pacific Company's Harbor Line in the City of Huntington Park.

Case No. 2188 first came before the Commission on October 30th, 1925, being a request from the City of Huntington Park seeking an order from the Commission to require Southern Pacific Company to lower its tracks, so as to make for easy grades of approach at Irvington Avenue, Lyfort Avenue and Saturn Avenue crossings, respectively.

Case No. 2209 was instituted on the Commission's own motion on January 15th, 1926, to determine the proper treatment at the grade crossings of Irvington, Lyfort and Saturn Avenues over Southern Pacific Company's tracks.

The Commission has issued two orders on these proceedings, one being Decision No. 18534, dated June 20th, 1927, and the other being Decision No. 22954, dated October 7th, 1930. In the first decision, Southern Pacific Company was required to improve the grade crossing of Irvington Avenue by causing to have raised the surface of Harbor Truck Boulevard (Alameda Street), to the west of the railroad, and the surface of Irvington Avenue, to the east of the crossing, in such a manner that approach grades could be constructed on gradients not to exceed 4 per cent. The cost of improving this grade crossing, including the grades of approach on each side of the track, was apportioned fifty (50) per cent to the Southern Pacific Company, twenty-five (25) per cent to the County of Los Angeles and twenty-five (25) per cent to the City of Huntington Park. The order further provided that upon the completion of the improvement of the Irvington Avenue crossing, the grade crossing at Lyfort Avenue should be closed to public travel. In so far as the Saturn Avenue crossing was con-

cerned, the matter was dismissed without prejudice.

The file shows that on October 31st, 1929, the City of Huntington Park sought a modification of this order, by requesting that the improvement of the Irvington Avenue grade crossing be effected by lowering the tracks, rather than by raising the adjacent highways. Upon this petition further hearings were had and the Commission issued its second decision referred to above (Decision No. 22954).

The order in the second decision revokes said Decision No. 18534 and provides, among other things, that the City of Huntington Park should be afforded the opportunity of selecting one of two plans for improving the Irvington Avenue crossing; i.e., Plan A, which contemplated the raising of the adjacent highway to the approximate level of the tracks, which method of procedure is outlined for the improvement of the Irvington Avenue crossing in said Decision No. 18534, and Plan B, which provides for the lowering of the tracks to the level of the highways. Definite apportionment of costs between the parties was outlined in this decision for each of said plans.¹

Subsequent to the issuance of this order (Decision No. 22954), the file shows that the interested parties, City of Huntington Park, County of Los Angeles and Southern Pacific Company, had a number of informal conferences and developed many plans. In each of these conferences, the Commission's engineers have participated.

1. Under the plan of raising the adjacent highway, designated as "Plan A," the apportionment of cost was 50% to the railroad, 25% to the City of Huntington Park and 25% to the County of Los Angeles, the same as outlined in Decision No. 18534. The estimated cost of performing the work under this plan was approximately \$15,000.

Under the plan of lowering the Southern Pacific Company's tracks, designated as "Plan B," the County of Los Angeles was to contribute \$15,000., Southern Pacific Company \$7,500. and the City of Huntington Park the remainder. The county's portion, under this plan, was by agreement; Southern Pacific Company's portion was based on the same assessment as under Plan "A,". Estimates for lowering the track ranged from \$30,000. to \$60,000. At the last hearing, it was shown that Southern Pacific Company's recent estimate of cost of performing this work was approximately \$37,000.

The order in Decision No. 22954 provided that the City of Huntington Park should elect, within thirty (30) days from the date of the order (October 7th, 1930), which of the two plans for the improvement of Irvington Avenue crossing it desired to be carried out. The order also provided that upon the completion of the Irvington Avenue crossing, the grade crossings of both Lyfort and Saturn Avenues should be closed to public travel over the Southern Pacific tracks. The City of Huntington Park, on December 5th, 1930, filed with the Commission a copy of Resolution No. 1267 of the City Council of Huntington Park, wherein the Council, on December 1st, 1930, elected to improve the Irvington Avenue crossing by lowering the tracks, as indicated by Plan "B" above. The city, however, did not present a plan of financing its portion of the improvement. In this same resolution, the Commission was requested to modify its order, with respect to the closing of both the Saturn Avenue and Lyfort Avenue crossings.

The record shows that additional conferences have been held to consider various studies made subsequent to the time the City of Huntington Park filed a copy of Resolution No. 1267 and it has developed that the city has not come forward with a plan of financing its portion of the cost of improving the Irvington Avenue crossing by means of lowering the tracks.

The record in this proceeding clearly shows that the Irvington Avenue grade crossing presents a hazardous situation to vehicular traffic, due, particularly, to the abrupt drop in the west grade of approach, and the testimony contained in this record, with the exception of the testimony offered by the City of Huntington Park, supports the plan of improving this grade crossing by means of raising the adjacent highways, especially Alameda Street (Harbor Truck Boulevard), which is an important county highway artery immediately west of the tracks. In this case, the City of Huntington Park, alone, has taken the position that the proper method of improving the Irvington Avenue crossing is

by means of lowering the track and the Commission, for a considerable time, has afforded the city an opportunity of carrying out such a program upon a definite apportionment of cost which assesses to the City of Huntington Park, in general, the added cost of such a program over and above the cost of improving this grade crossing by means of raising the highways, except for the voluntary offer of the county to increase its apportionment from 25% of so-called Plan "A" which would amount to about \$3,500., to \$15,000.

With respect to the Irvington Avenue crossing, the Commission would be remiss in its duty to stand by and permit this very unsatisfactory condition to continue, in the light of this record, awaiting the development of a plan by the city to finance its portion of carrying out the work of improving the crossing, especially in view of the fact that there is nothing in this record to show that the city is in a position to finance the work in the near future.

At the last hearing, the record shows that the County of Los Angeles stipulated that it was agreeable to raising the surface of Alameda Street, at its sole expense, so as to permit of an easy grade of approach to the west of the tracks, and thereby remove the greatest hazard which exists at this crossing. The county is also agreeable to bearing the expense of any property damage awarded to adjacent property in the unincorporated portion of Los Angeles County, as a result of raising this highway. It is understood that the county is willing to proceed with this work immediately with its own force or under contract. The record also shows that Southern Pacific Company is willing to improve the Irvington Avenue grade crossing, at its sole expense, by constructing all three tracks to approximately the same level and installing a suitable crossing across the entire width of the right of way, together with two wigwags for the protection of the crossing.

The City of Huntington Park took the same position in the last hearing on these proceedings that it has in the former ones, to the effect that it is still of the opinion that the situation should be corrected by lowering the tracks but has not means of financing its portion of such a program in accordance with the apportionment set forth in the Commission's order referred to above.

The record shows that the Lyfort Avenue crossing was authorized by the Commission's Decision No. 4099, dated February 5th, 1917, in Application No. 2735. Condition (3) in this order provides that the grades of approach shall not exceed 6 per cent. This condition is not now complied with, as these grades of approach are in excess of 20 per cent for a short distance.

The Commission's First Supplemental Order, Decision No. 18535, dated June 20th, 1927, on Application No. 2735, ordered that Decision No. 4099 in that proceeding be revoked and that Application No. 2735 be dismissed without prejudice and further ordered that the Lyfort Avenue crossing be closed at the time and in the manner prescribed in Decision No. 18534.

Upon a careful review of the evidence in these proceedings, I am still of the opinion that the Lyfort Avenue crossing is unnecessary and should be closed. In so far as the Saturn Avenue crossing is concerned, I believe the matter should be dismissed without prejudice at this time.

After carefully considering this entire record, which covers a period in excess of five years, it is concluded that the Irvington Avenue grade crossing should be corrected, without further delay, by means of raising Alameda Street, which will eliminate the most hazardous condition, namely, the westerly approach grade, and by improving the crossing over the tracks, which plan, as has been indicated, is capable of immediate consummation.

The following form of order is recommended.

O R D E R

Good Cause Appearing,

IT IS HEREBY ORDERED:

I. That Commission's Decision No. 22954, dated October 7th, 1930, and Decision No. 18534, dated June 20th, 1927, in the above entitled cases are hereby revoked.

II. That Southern Pacific Company is hereby directed to improve the grade crossing of Irvington Avenue and its tracks, in the City of Huntington Park, Los Angeles County, by means of constructing the tracks at approximately the same level and substantially in accordance with the plan as shown by Los Angeles County's Exhibit No. 1, filed February 9th, 1926, in these proceedings, subject to the following conditions:

- (1) The cost of improving the Irvington Avenue grade crossing within the limits of the railroad right of way shall be borne by Southern Pacific Company.
- (2) The cost of maintenance of that portion of said crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails and within the City of Huntington Park shall be borne by said city.
- (3) Southern Pacific Company shall, at its sole expense, install and maintain two Standard No. 3 wigwags for the protection of said Irvington Avenue crossing.

III. That the County of Los Angeles shall raise, or cause to have raised, the surface of Alameda Street on the westerly side of the railroad company's right of way to an elevation so as to permit of the construction of a grade of approach between the paved section of Alameda Street and Southern Pacific Company's tracks at Irvington Avenue on a gradient not to exceed four (4) per cent and substantially in accordance with plans shown on the County's Exhibit No. 1, filed

February 9th, 1926, in these proceedings. The cost of raising Alameda Street, in accordance with this plan and including the cost of the property damage, if any, in the unincorporated territory, shall be borne exclusively by the County of Los Angeles.

IV. That the actual work of improving the Irvington Avenue crossing, as herein ordered, shall be completed on or before August 31st, 1931, and Southern Pacific Company shall, within thirty (30) days thereafter, notify the Commission, in writing, of the completion of the improvement of said crossing.

V. That upon the completion of the improvement of the Irvington Avenue crossing, as directed in this decision, the public crossing over Southern Pacific Company's tracks at Lyfort Avenue, in the City of Huntington Park, Los Angeles County, shall be effectively closed to public travel and upon the completion of said improvement of Irvington Avenue, said Southern Pacific Company is hereby directed to construct the necessary barriers to effectively and adequately close the said Lyfort Avenue crossing. The expense of closing said crossing shall be borne by said Southern Pacific Company.

VI. That the above entitled cases, in so far as they involve Saturn Avenue, are hereby dismissed without prejudice.

The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossing, 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, other than hereinabove stated, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day of March, 1931.

C. L. Amey
Leon Whiskey
W. A. Carr
M. B. Harris
Fred G. Stewart

Commissioners.