

Decision No. 17362.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
CITY OF HUNTINGTON PARK, a municipal
corporation, for a crossing right at
Florence Avenue, for public street
purposes, over the right of way of
the property of Southern Pacific
Company, a railroad corporation.

ORIGINAL

Application No. 17362.

Delbert A. Hessick, City Attorney, for City of
Huntington Park, Applicant.

Roy C. McAllister, for County of Los Angeles,
Applicant.

H. W. Hobbs, for Southern Pacific Company,
Protestant.

BY THE COMMISSION:

O P I N I O N

The above entitled application was filed with this Commission by the City of Huntington Park, requesting authority to widen and improve the grade crossing of Florence Avenue with the tracks of the Southern Pacific Company in said city. Subsequent to the filing of said application, the County of Los Angeles requested permission to be considered a joint applicant with the City of Huntington Park in this matter.

A public hearing on said application was conducted before Examiner Handford at Huntington Park on November 5, 1931, at which time the matter was duly submitted and it is now ready for decision.

Florence Avenue, extending in an easterly and westerly direction, is a major cross-town artery in the City of Los Angeles

and extends into the County of Los Angeles and the City of Huntington Park.

The railroad involved is the San Pedro Branch of the Los Angeles Division of the Southern Pacific Company operating between the City of Los Angeles and the Harbor District.

The area involved in the proposed widening lies wholly within the City of Huntington Park, located at the extreme southwest corner of the city, the district to the south and west being in the unincorporated section of Los Angeles County.

At the present time, Forence Avenue is constructed with a roadway width of seventy feet west of the crossing, and the City of Huntington Park is now constructing said street to the same width east of the crossing. The width of the present crossing is sixty-two feet; however, to make the crossing correspond to the traveled roadway of said street it is necessary to widen same approximately twenty-four feet.

The crossing is protected by one Standard No. 3 wigwag, one Standard No. 1 crossing sign, and synchronized traffic signals with "Righthand" and "Lefthand" turn indicators. In connection with the widening of the crossing it is necessary to move an existing crossover track, so as to eliminate the switch from the street area, and to move a Western Union pole.

At the hearing it was stipulated by all parties that public convenience and necessity required the widening of said crossing to correspond with the adjacent traveled roadway, but the parties were not in agreement as to how the expense of the improvement should be apportioned between them, Southern Pacific Company taking the position that the City and County should bear the entire expense of the improvement, and the County, on the other hand contending that the expense of the entire im-

provement should be borne 50% by the railroad and 50% by the political subdivisions. Southern Pacific Company in support of its position that the political subdivisions should bear the entire expense of the improvement, urged that the railroad was not involved and in no way responsible for the increase in the volume of traffic on Florence Avenue, and should not, therefore, be assessed with any part of the cost of widening the crossing to provide additional traffic lanes, when such improvement became necessary to facilitate the movement of vehicular traffic, and further that the railroad contributes toward the improvement, from which it receives no benefit, by furnishing the additional property needed to widen the crossing.

In this case, the highway improvement is brought about as a result of a public need to meet the increased traffic requirements on the highway, and not as a result of a changed character of the railroad situation. In apportioning the expense of improving this crossing between the applicants and Southern Pacific Company, due consideration must be given to the obligation of each party, as well as the benefits to be derived. It must be recognized that the railroad has a continual obligation to participate in the matter of constructing and maintaining reasonable and adequate crossings over its tracks, both at grade and at separated grades. This obligation is inherent, notwithstanding the fact that the traffic on the railroad may increase or decrease. With the increased use of the automobile the public bodies having jurisdiction over public highways are called upon to meet present day traffic requirements, as it is apparent that the increased volume of vehicular traffic makes the widening of this crossing necessary.

In attempting to apportion the cost of the widening of the crossing between the political subdivisions and the railroad, in the present case, on the basis of benefits to each party, it would appear that the benefits accrue largely to the vehicular traffic.

The matter of protection at this crossing is one of considerable importance, inasmuch as Florence Avenue carries an extremely heavy vehicular traffic at fairly high speed, and the railroad operations consist of about eleven freight and switch movements daily over the crossing. The freight trains consist of from 48 to 74 cars per train, while that of the switch movements is 15 to 16 cars.

Alameda Street is constructed parallel to and on the westerly side of the railroad right of way, creating a very important street intersection immediately adjacent to this grade crossing. This street intersection is protected by traffic signals which have been synchronized with the rail movements, and also "Turn Indicators" are provided to prevent traffic on Alameda Street turning into Florence Avenue in front of a train movement. The present circuits of the protective devices are such that southbound movements on the northbound track, and vice versa, do not actuate the signals to protect vehicular traffic over the crossing. In view of the importance of this crossing, it would appear reasonable to provide protection to motorists against such movements. Switching movements over the crossing or within the limits of track circuits may be such as to unreasonably delay traffic by holding the traffic signals in "Stop" position. These undesirable conditions may be corrected by the installation of directional circuits and time element relays.

The proper installation of synchronized traffic signals with "Turn Indicators," directional circuits and time element

relays would eliminate the necessity of the continued maintenance of the wigwag at this crossing. Southern Pacific Company representatives recommended the installation of such a plan of protection and estimated the cost of same at \$3,430.

It is imperative that at a grade crossing of this importance, everything within reason should be accomplished to provide the most efficient and adequate protection to the vehicular traffic. The record shows that the railroad company's witness testified that such a plan of protection should be installed, regardless of whether or not the crossing is widened. It is only reasonable to assume that both the public bodies and the railroad are obligated to provide such protection, and it would not appear unreasonable to require both parties to equally bear the cost of such protection in this case.

After carefully considering the record in this proceeding, it would appear reasonable to require the railroad to bear all the expense incident to preparing its tracks to receive the pavement, in the way of ballast, ties, and any change in the track structure; to require the political subdivisions to bear the expense of paving the highway across the entire railroad right of way, including the section occupied by the tracks, the same as would be the case if the tracks did not exist; to require the political subdivisions to bear the expense of moving the Western Union pole and the cost of relocating the crossover track; and to require the political subdivisions to bear 50% and the railroad to bear 50% of the cost of the improved protective signaling system.

ORDER

The above entitled application having been filed, a public hearing having been held, the matter having been duly

submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that the City Council of the City of Huntington Park and the Board of Supervisors of the County of Los Angeles be, and they are hereby authorized to widen and improve Florence Avenue at grade across the tracks of Southern Pacific Company, at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions, and not otherwise:

1. The above crossing shall be identified as a portion of Crossing No. BG-488.3.

2. The crossing shall be constructed of a width of not less than eighty-six (86) feet and at an angle of approximately eighty (80) degrees to the railroad, and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

3. Southern Pacific Company shall bear the expense of putting its tracks in condition to receive the pavement, including any reconstruction of the tracks, ties, ballast and steel guard rails. Applicants shall bear the expense of paving the roadway of the widened section within the railroad right of way, including paving or planking the crossing within the confines of the widened section. The actual work of improving that portion of the crossing occupied by the tracks shall be performed by or with the approval of the railroad.

4. Southern Pacific Company shall maintain that portion of the entire crossing between lines two (2) feet outside of the outside rails. Applicants shall maintain

that portion of the entire crossing outside of lines two (2) feet outside of the outside rails.

5. Said crossing shall be protected by automatic traffic signals containing "Right Hand" and "Left Hand" turn indicators so installed as to be synchronized with the railroad movements and providing directional circuits and time element relays in accordance with a plan to be submitted by Southern Pacific Company, within sixty (60) days from the date hereof, for the Commission's approval. The cost of installing such protection shall be borne fifty (50) per cent by Southern Pacific Company, and fifty (50) per cent by applicants. Southern Pacific Company shall maintain such circuits and equipment necessary for the operation of said signals in connection with the rail movements, and applicants shall bear all other maintenance expense. Upon the installation and operation of said signals, the wigway now installed at said crossing may be removed.

6. The crossover track located in the street area to be widened shall be relocated to the position shown in red on Exhibit No. 1 introduced in evidence in this proceeding. The cost of relocating said crossover track and Western Union pole shall be borne by applicants.

7. Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the alteration of said crossing, and of their compliance with the conditions hereof.

8. The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

9. 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, public convenience and necessity demand such action.

The authority herein granted shall become effective twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 14th day of December, 1931.

C. H. King
J. A. [unclear]
M. J. [unclear]
M. B. [unclear]
Fred G. [unclear]
Commissioners.