

Decision No. 25069

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the CITY OF LOS ANGELES for the)
widening of the two existing grade)
separations of Twenty-third Street)
and the tracks of The Atchison,)
Topeka and Santa Fe Railway Company)
just west of the Los Angeles River)
in connection with the improvement)
of Washington Boulevard in the City)
of Los Angeles.)

APPLICATION NO. 18063

ORIGINAL

D. M. Kitzmiller, for Applicant.

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

BY THE COMMISSION:

O P I N I O N

The above entitled application was filed with this Commission by the City of Los Angeles, requesting authority to widen and improve the existing grade separations of Twenty-third Street with the main line, Los Angeles to San Diego, and Redondo Branch tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Los Angeles, County of Los Angeles.

A public hearing on this application was conducted by Examiner Kennedy at Los Angeles on June 8, 1932, at which time the matter was duly submitted.

Twenty-third Street, in the vicinity of the grade separations involved herein, extends in a general easterly and westerly direction between Santa Fe Avenue and Soto Street, a distance of approximately 3,000 feet. At the present time, Twenty-third Street and the said Santa Fe tracks are separated by means of two subways

located approximately 160 feet apart, each of which provide a driveway twenty feet in width. Washington Street, a new, major traffic artery, extends in a general easterly and westerly direction through the City of Los Angeles and merges with Twenty-third Street through the separations involved herein. The present westerly terminus of Washington Street connects with Roosevelt Highway in Santa Monica and the easterly terminus is at Alameda Street, located approximately 4,200 feet west of the said grade separations. The City of Los Angeles now proposes to extend Washington Street easterly to connect with Telegraph Road, which is also a major traffic artery. The proposed plan provides for the utilization of Twenty-third Street as the Washington Street route between a point immediately west of the railroad grade separations and Soto Street. It is proposed to construct Washington Street to a width of ninety feet between Alameda Street and Soto Street. The City's plan provides for the reconstruction of the two existing separations with a roadway seventy feet in width and two sidewalks ten feet wide.

The record shows that it is estimated that approximately 30,000 vehicles daily will use Washington Street through the grade separations within a reasonable time after the extension is completed. The rail traffic on the main line consists of twenty-three freight, passenger and transfer trains and thirty-six yard cuts and light engines, while on the Redondo Branch it consists of eighteen yard cuts and light engines. There appears to be no dispute as to the necessity for the widening of the two railroad grade separations to accommodate the Washington Street traffic. The only issues involved are the matter of roadway width through the separations and the apportionment of cost of reconstructing the subways between applicant and the railroad company.

The recently constructed bridge across the Los Angeles River, approximately 700 feet east of the separation, which will be an integral part of the Washington Street route, has a roadway width of fifty-six feet.

The cost of reconstructing the subways with seventy-foot roadways and fifty-six-foot roadways is as follows:

	<u>City's Plan 70' Roadway</u>	<u>56' Road- way</u>
Redondo Branch Separation,	\$62,416.70	\$53,670.66
Main Line	<u>71,848.49</u>	<u>63,261.98</u>
Total,	\$134,265.19	\$116,932.64

It would appear that full consideration must have been given to the matter of roadway width when the recently constructed Washington Street bridge across the Los Angeles River was designed. Inasmuch as the roadway width of the Washington Street bridge over the Los Angeles River is fifty-six feet and that said bridge is only 700 feet east of the railroad separations, it would appear reasonable to reconstruct the separations with a similar roadway width of fifty-six feet. If the applicant desires to reconstruct the separations with a roadway width of seventy feet, we have no objection to this being done; however, we do not feel that the railroad company should be required to participate in the cost of the separations with roadway widths in excess of fifty-six feet.

The record clearly shows that the widening of the two separations involved herein is necessitated by the extension of Washington Street easterly from its present terminus to connect with Twenty-third Street immediately west of the separations. The representative of The Atchison, Topeka and Santa Fe Railway Company took the position at the hearing that the existing separations were of adequate width to accommodate the present traffic using Twenty-third Street; that the widening becomes necessary due to the extension of Washington Street to connect with Twenty-third Street; that the railroad company will receive no more benefit

from the widened separations than it does from the existing separations; that the widened separations are a detriment to the railroad company, inasmuch as maintenance cost will be increased; and that the railroad company should not be required to bear any part of the cost of widening said separations, inasmuch as the vehicular public will derive the entire benefit of such improvement.

If Washington Street were to be constructed across the railroad company's tracks at some point other than at the existing grade separations of Twenty-third Street, undoubtedly a grade crossing would be particularly hazardous and detrimental to the railroad company so the construction of a separation of grades unquestionably would be of benefit to the railroad company. It is fortunate in this particular instance that existing separations may be widened to accommodate this traffic.

The matter of direct financial benefits is not the sole test in the determination of the respective portions which the railroad and public should contribute toward the cost of such improvement. In apportioning the cost of constructing these separations between applicant and the railroad company, due consideration should be given to the obligations of each party, as well as to the benefits derived. It should 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.

There can be no question that the vehicular public will receive the greatest benefit from the widening of these separations, so it logically follows that this class of the public should bear the greater portion of the cost.

After carefully considering all of the evidence in this proceeding, it is concluded that public convenience and necessity

has been shown to justify the widening of the existing grade separations as proposed herein by applicant and it appears reasonable for The Atchison, Topeka and Santa Fe Railway Company to bear one-fourth of the cost of reconstructing said separations.

O R D E R

The City of Los Angeles having filed the above entitled application, a public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that the City of Los Angeles is hereby authorized to widen the grade separations of Twenty-third Street and the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the locations more particularly described in the application and substantially in accordance with the plan introduced in evidence in this proceeding and marked Exhibit No. 4, subject to the following conditions:

- (1) The entire expense of constructing said undergrade crossings, on the basis of a roadway width of fifty-six (56) feet, shall be borne twenty-five (25) per cent by The Atchison, Topeka and Santa Fe Railway Company and seventy-five (75) per cent by applicant.
- (2) In the event applicant elects to construct said undergrade crossings of a roadway width in excess of fifty-six (56) feet, the entire additional cost of such construction over and above the cost of constructing said undergrade crossings of a roadway width of fifty-six (56) feet shall be borne by applicant.
- (3) The cost of maintaining those portions of the separations, which might be referred to as the superstructures, which shall be deemed to be everything above the bottom of the track structures, including girders and floor beams, shall be borne by The Atchison, Topeka and Santa Fe Railway Company. The remainder of the maintenance of said structures, or the substructures, including foundations, abutments, retaining walls, roadway, sidewalks, lights and surface drainage, shall be borne by applicant.

- (4) Prior to the commencement of construction, applicant shall file with this Commission a set of plans for each of said undergrade crossings, showing the proposed separations in plan and elevation, together with roadway widths, approach grades, clearances, drainage and lighting facilities, which plans shall have been approved by The Atchison, Topeka and Santa Fe Railway Company or bear a statement showing why said The Atchison, Topeka and Santa Fe Railway Company refuses to approve said plans.
- (5) Said crossings shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (7) 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.

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

Dated at San Francisco, California, this 15th day of August, 1932.

P. C. Henry
Leon Whitney
M. A. Carr
W. B. Harris
Fred G. Stewart
 Commissioners.