

Decision No. 10994

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application of)
Southern Pacific Company for an order)
authorizing the construction of a)
spur track at grade across Santa Fe)
Avenue and across the tracks of the)
Los Angeles Railway Corporation, in)
the City of Vernon, County of Los)
Angeles, California.)

Application No. 8013

ORIGINAL

W. I. Gilbert, Evan J. Foulds,
and Frank Karr, for applicant.

S. M. Haskins, for the City of
Vernon.

P. B. Harris, for the Los Angeles
Railway Corporation.

BY THE COMMISSION:

O P I N I O N

In this application Southern Pacific Company asks for an order authorizing the construction of crossings at grade of a spur track across Santa Fe Avenue and across the tracks of the Los Angeles Railway Corporation near East Vernon Avenue in the City of Vernon, County of Los Angeles, State of California. Accompanying the application is a certified copy of a franchise from the City of Vernon granting applicant the right to construct the track in question.

The consent of the Los Angeles Railway Corporation not having been filed a public hearing was held on August 31, 1922 in Los Angeles before Examiner Williams. At this hearing the Los Angeles Railway Corporation stated it did not object to the granting to the applicant, provided it were put to no cost.

The record shows that crossings herein involved are

located on a spur track designed to serve California Dressed Beef Company, having a packing plant at 3820 Santa Fe Avenue. This plant received in ten months ending November 1, 1921 1374 cars of cattle, hogs and sheep, of which 900, or 65.5% came in over the tracks of applicant. The record also shows that this industry desires service by the Southern Pacific because of a delay of from anywhere from two to three hours when the cars are brought into Los Angeles over the Southern Pacific but delivered to the industry by the Santa Fe, at present the only railroad serving the industry, and that this delay is very important because the majority of live stock arriving at Los Angeles had already been on the cars from twenty-four to thirty hours and these extra two or three hours sometimes involve unloading and watering before the Santa Fe will undertake delivery.

The president of the beef company testified that approximately \$250,000 had been expended upon a new plant - the old plant having burned about November 1, 1921 - which is to be served by the track in question here and about \$12,000 has been expended upon the track itself, without knowing that the matter had to come before the Railroad Commission and without knowing whether or not this application would be granted. The testimony of the applicant was, however, to the effect that the attorney of the industry was notified of the fact that it was necessary to come before this Commission in a grade crossing proceeding, so that in this case it appears as if the applicant had not been informed by his attorney that permission of a crossing at grade has to be received from this Commission.

We draw particular attention to this circumstance for in many applications filed with us our reports of inspection on the ground reveal the fact that a large amount of money is ex-

pendent on buildings which are located to fit in with a particular location of the track in which there is a grade crossing of a public highway involved, and this expenditure is used as an argument toward granting the application. It would be better for the carriers to see that proposed industries fully understand the situation and refuse to do any construction work until the proper application has been filed and granted, and we wish to announce that expenditures so made will not be considered in connection with applications asking for an order authorizing the construction of crossings at grade.

The City of Vernon is largely industrial and especially so in the vicinity of the proposed crossing. It is recognized that spur track crossings are necessary in such districts, and occasionally the crossing of such an important highway as Santa Fe Avenue is also necessary. It is our policy, however, in the industrial districts of Los Angeles and Vernon to avoid these spur track crossings of the most important streets and we feel, if the service could be given in any other way we would be justified in a denial of the right to cross. As to this particular crossing there is very heavy vehicular movement on Santa Fe Avenue, Commission's Exhibit #1 indicating 6881 vehicles moving over the proposed crossing between 9 A.M. and 5 P.M.; in the last hour there being an average of 20 a minute. These figures are a result of a count made on July 17, 1922. There is no industry other than the beef company on the east side of Santa Fe Avenue and the only cars switched across Santa Fe Avenue will be those destined thereto. The industry stated that any limitation of hours of switching over the crossing would work a hardship because of the livestock shipments.

We believe, however, that the extremely heavy traffic on

Santa Fe Avenue between four and five P.M. warrants prohibition of switching during this hour.

It appears with this restriction as to switching the application should be granted.

O R D E R

Southern Pacific Company having applied to the Commission for an order authorizing the construction of a spur track at grade across Santa Fe Avenue and across the tracks of Los Angeles Railway Corporation in the City of Vernon, County of Los Angeles, State of California, a public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED, Southern Pacific Company be and it is hereby authorized to construct a spur track at grade across Santa Fe Avenue and across the tracks of Los Angeles Railway Corporation in the City of Vernon, County of Los Angeles, described as follows:

Beginning at a point in the westerly line of Santa Fe Avenue, said point being distant northerly 166.87 feet, measured along said westerly line from the westerly prolongation of the northerly line of Vernon Avenue as now located east of Santa Fe Avenue; thence northeasterly on a curved line concave to the northwest, and having a radius of 239.17 feet, a distance of 82.0 feet, more or less, to a point on the easterly line of said Santa Fe Avenue, said point being distant northerly 180.65 feet, measured along said easterly line from the northerly line of Vernon Avenue.

All of the above as shown by the map attached to the application; said crossings to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossings shall be constructed of a width and

type of construction to conform to that portion of Santa Fe Avenue now graded, with the rails of said spur track laid flush with the surface of said Santa Fe Avenue at the center thereof; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall not transport any locomotives or cars over said crossings between the hours of four P.M. and five P.M.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

Dated at San Francisco, California, this 18th day of September, 1922.

H. B. Munday
Harry Martin
J. D. Benedict

Commissioners.