

Decision No. 10995

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 team)
tracks at grade across Alameda and)
Sixth Streets, in the City of Los)
Angeles, State of California.) Application No. 8090

Evan J. Foulds and Frank Karr
for applicant.

BY THE COMMISSION:

O P I N I O N

In this application Southern Pacific Company asks for an order authorizing the construction of a team track at grade across Alameda Street and across Sixth Street, Los Angeles, and for two crossover tracks between existing main line tracks in Alameda Street between Fourth Street and Sixth Street.

A public hearing was held August 31, 1922 in Los Angeles before Examiner Williams. The City of Los Angeles was notified of the hearing.

The record shows that two team tracks are to be installed for the purpose of handling perishable freight in car-load lots, these team tracks to be located on the so-called Los Angeles Market Property. The Los Angeles Market Property is owned by Southern Pacific Company through stock ownership, there being but a few hundred shares out of 1,590,000 total shares in the hands of an individual.

Two witnesses engaged in the wholesale produce business

testified that the construction of the tracks would be a great convenience as it is desirable to have such facilities in this vicinity as at present there is insufficient room at the Fourth Street team tracks and cars are delivered at the Macy Street team tracks.

On the map appearing as part of the application it appeared to the Commission as though the construction of these team tracks might possibly be a step in the development in the Los Angeles Market Property as a less than carload freight terminal as indicated in exhibit No. 24 of Southern Pacific Company and Los Angeles and Salt Lake Railroad Company in Case No. 970 et seq. as a part of the so-called Southern Pacific-Salt Lake-Pacific Electric joint terminal plan, and since the Commission had refused to authorize this project, it was thought desirable to ascertain the facts and also to provide through stipulation that the construction of these team tracks would not be used as a defense against any order heretofore or hereafter issued by the Commission providing for any unification or terminal plans in the City of Los Angeles.

Mr. T. H. Williams, Assistant General Manager, Southern Pacific Company stated that it was not the plan of the Southern Pacific Company to use this site as a less than carload freight station. Attorney for applicant, with respect to the stipulation above mentioned, stated that the company was willing to enter into a stipulation to the effect that the granting of the right to construct the tracks in question should not hereafter be used either by way of estoppel or argument on the ground of expenditure of capital against any unification or terminal plans which might be hereafter adopted in the City of Los Angeles, leaving the question of the terminal to be decided upon its merits, and the applicant, if it sees fit, to resist the establishment of the terminal at any particular point on the merits thereof, but not upon the use or expenditure of the

money expended on these team tracks and crossings.

The Engineering Department of the Commission stated that there was no particular objection to the construction of the crossings involved herein, aside from the stipulation herein before mentioned and provided a franchise is granted by the City of Los Angeles.

O R D E R

Southern Pacific Company having applied to the Commission for an order authorizing the construction of three crossings at grade as hereinafter described, a public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct three crossings at grade in the City of Los Angeles, County of Los Angeles, State of California, described as follows:

Track No. 1

Starting at the point of intersection of the center line of Sixth Street with the center line of Alameda Street; thence northerly along said center line of Alameda Street 86.0 feet to point of intersection with the center line of westbound main track of Southern Pacific Railroad Company's San Pedro Branch; thence northerly along center line of said westbound main track on a curve concave to the east, having a radius of 818.64 feet, and whose tangent at point of intersection with said center line of Alameda Street makes an angle of $5^{\circ} 26' 45''$ to the northwest with said center line of Alameda Street a distance 43.0 feet to point of beginning, said point being point of proposed switch; thence southerly along a curved line concave to the east, having a radius of 252.35 feet, and tangent to last described course a distance of 26.29 feet; thence along a straight line tangent to last described course 31.79 feet; thence along a curved line, concave to the northeast, having a radius of 286.84 feet and tangent to last described course, a distance of 120.0 feet, more or less, to point of intersection with southerly line of Sixth Street, said point being distant easterly 16.0 feet, more or less, from southeast corner of Sixth and Alameda Streets.

Track No. 2

Starting at the point of intersection of the center line of Sixth Street with center line of Alameda Street;

thence northerly along said center line of Alameda Street 190.0 feet to a point; thence westerly at right angles to last described course 6.0 feet, more or less, to point of beginning in the center line of westbound main track of Southern Pacific Railroad Company's San Pedro Branch, said point being point of switch of proposed crossover; thence northerly along a curve concave to the west, having a radius of 402.35 feet and tangent to the center line of westbound main track of Southern Pacific Railroad Company's San Pedro Branch, a distance of 18.58 feet; thence northwesterly along a curve concave to the west, having a radius of 518.85 feet, and tangent to last described course, 36.71 feet; thence northwesterly along a straight line tangent to last described course 31.9 feet; thence continuing northwesterly along a curve concave to the east, having a radius of 518.85 feet, and tangent to last described course a distance of 36.71 feet; thence northerly along a curve concave to the east, having a radius of 402.35 feet, and tangent to last described course, a distance of 18.58 feet to a point in the center line of the eastbound main track of Southern Pacific Railroad Company's San Pedro Branch.

Track No. 3

Starting at the point of intersection of the center line of Sixth Street with center line of Alameda Street; thence northerly along said center line of Alameda Street 2397 feet to a point; thence westerly at right angles to last described course 6.0 feet, more or less, to point of beginning in the center line of the westbound main track of Southern Pacific Railroad Company's San Pedro Branch, said point being point of switch of proposed crossover; thence northerly along a curve concave to the west, having a radius of 402.35 feet and tangent to the center line of westbound main track of Southern Pacific Railroad Company's San Pedro Branch, a distance of 18.58 feet; thence northwesterly along a curve concave to the west, having a radius of 518.85 feet, and tangent to last described course, 36.71 feet; thence northwesterly along a straight line tangent to last described course, 31.9 feet; thence continuing northwesterly along a curve concave to the east, having a radius of 518.85 feet, and tangent to last described course a distance of 36.71 feet; thence northerly along a curve concave to the east, having a radius of 402.35 feet and tangent to last described course, a distance of 18.58 feet to a point in the center line of the eastbound main track of Southern Pacific Railroad Company's San Pedro Branch.

Said crossings to be constructed subject to the following conditions and not otherwise:-

(1) Applicant shall not use the granting of this application either by way of defense or argument on the ground of capital expenditure or in any other way against any order of this Commission heretofore or hereafter made providing for any railroad unification or terminal plans in the City of Los Angeles.

(2) A certified copy of a franchise granting applicant

the right to construct the above described tracks shall be filed with the Commission before construction of said crossings is commenced.

(3) 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.

(4) Said crossings shall be constructed of a type of construction to conform to those portions of said Sixth Street and said Alameda Street, the rails to be laid flush with the surface of said streets; 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.

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

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

(7) 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.

L. B. Brundage
Livingston Maitson
W. J. Anderson

Commissioners.