

ORIGINAL

Decision No. 4552

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of LOS ANGELES AND SALT LAKE RAIL-
ROAD COMPANY for authority to con-
struct and maintain certain steam
railroad tracks at grade across
certain streets and alleys and
across the tracks of certain other
companies, all within the City of
Los Angeles, California.

Application No. 3037.

.....
EDGERTON and LOVELAND; Commissioners.

F. E. Pettit, Jr., for the Applicant
Geo. D. Squires for Southern Pacific Company
Seward A. Simons for Central Development Association

O P I N I O N.

In this application the Los Angeles and Salt Lake
Railroad Company, hereinafter designated as the Railroad Company,
asks the Commission's authority to cross at grade nine (9) public
streets, four (4) steam railway tracks, and one (1) double track
street railway. These are:

(a) Street Crossings at Grade

- | | | |
|----|--|------------------------------|
| 1. | Sixteenth Street, | to be crossed with 2 tracks, |
| 2. | Fourteenth " " | " " " " " " |
| 3. | Eleventh " " | " " " " " " |
| 4. | Tenth " " | " " " " " " |
| 5. | Ninth " " | " " " " " " |
| 6. | Alley between Hunter
and Ninth Streets, | " " " " " " |
| 7. | Hunter Street, | " " " " " " |
| 8. | Lawrence Street, | " " " " " " |

(b) Steam Railroad Crossings

1. One track at grade across a one-track spur of the
Santa Fe, south of Sixteenth Street.
2. Two tracks at grade across one spur track of the
Southern Pacific Company, north of Sixteenth
Street.
3. Two tracks at grade across two spur tracks of the
Santa Fe, south of Fourteenth Street.

4. Seven tracks at grade, with two additional tracks proposed, across spur tracks of the Santa Fe on Lawrence Street.

(c) Street Railroad Crossings

1. Two tracks at grade across the double track line of the Los Angeles Railway on Eleventh Street.

These crossings are part of the Railroad Company's plan to construct and establish a freight terminal in the industrial district of Los Angeles west of the Los Angeles River, a territory which the Company is at this time unable to reach over its own tracks. The alignment and the grades of the proposed connecting tracks between the Salt Lake connection on the westerly continuation of Butte Street west of Santa Fe Avenue to the proposed freight yard between Eighth and Hunter and Alameda and Lemon Streets are shown on the map and profile attached to the application.

The City of Los Angeles has granted to applicant certain franchises and has agreed to close certain streets and alleys as set out in Ordinance No. 37115 (New Series), which is also attached to the application.

Under ordinary conditions an application like this one would be considered by the Commission solely from the standpoint of public necessity and safety of the individual crossings involved, and the Commission's authority would in all probability be granted for the construction of these crossings at grade with the necessary provisions for proper safeguards.

There is, however, in our opinion, a larger question involved here which, it appears to us, must be the controlling factor in the Commission's decision in this application at this time.

There are now before the Commission seven cases (Cases 970, 971, 972, 974, 980, 981 and 983) involving the entire rail-

road situation in Los Angeles, affecting both passenger and freight service and the safety and convenience of freight and passenger traffic by railroad between Los Angeles and other parts of Los Angeles County and elsewhere. In the cases referred to the problems of Union passenger station, the rearrangement of freight facilities, joint main line and industry trackage, grade crossing elimination, electric interurban transit, street railway traffic, and problems of city streets, viaducts, and bridges are at issue. The City of Los Angeles and the Los Angeles and Salt Lake Railroad Company are parties to those proceedings. The Commission has held hearings in Los Angeles, and after the decision of the Supreme Court of this state holding that this Commission has jurisdiction over the issues presented in these cases, the conclusion has been reached that a comprehensive investigation and a thorough study of this entire transportation problem must be made as the first step in these proceedings. This investigation is now under way.

It therefore becomes of importance to determine what effect an order by the Commission granting the application now before us would have on any possible solution of the greater problem. This feature was gone into at the hearing in this application in Los Angeles on the 8th instant.

It appears that the present plan of the Railroad Company involves the expenditure of approximately \$1,000,000, and of this estimated amount more than \$100,000 has already been expended by the Company in the acquisition of rights of way and terminal property.

The Railroad Company has indicated to the Commission its willingness to go ahead with the completion of this particular plan, with the understanding that the Company will have to take the risk if in a general plan to be adopted by the Commission later the value of these contemplated expenditures might be

jeopardized in whole or in part. It is clear that the Railroad Company is anxious to carry out its plan immediately and does not desire to be interfered with in the early consummation of its project.

It seems to us that although the Commission might make it clear that any money expended now would be spent at the peril of the Railroad Company, the proposed expenditure is so large and the plan is so comprehensive and will be culminating so rapidly that it must become very difficult, if not impossible, for this Commission later on to recommend any steps or to issue any orders which might tend to make worthless the expenditures of these large amounts of money.

Neither can we see how the attitude of a railroad company is a sound and proper one if it is willing to assume the capital expenditure of amounts running into the million, with the possibility in view that an order by the Commission might place such expenditures in jeopardy. The contemplated expenditures are all capital expenditures, and it will be extremely difficult, if not impossible, to remove from the capital account of the Railroad Company expenditures made under the authority of the Commission if later on other and better plans may be adopted by the Commission.

On this point both the general manager of the Railroad Company, Mr. H. C. Nutt, as also the Company's chief engineer, Mr. Arthur McGuire, testified that a comprehensive treatment of the terminal facilities of the City as a whole might interfere with the Railroad Company's present plan.

The Commission's chief engineer, Mr. Richard Sachse, in answer to a question by the Commissioners whether this project if established would in any degree whatever affect any possible readjustment of the freight facilities in Los Angeles, answered that it would.

The Commission, of course, has not in mind at this time any particular general plan of freight terminals; but if it is true that the present Salt Lake project with its contemplated numerous grade crossings is intimately and vitally connected with the general Los Angeles transportation problem, then it would seem prudent on the part of the Commission not to complicate the situation further by the granting of this application at this time. A postponement of a decision would appear to be wise, especially in view of the fact that the construction of an additional large number of grade crossings of both streets and railroads is involved and also because of the comparatively large amount of capital expenditures made necessary by a consummation of the Railroad Company's plan.

We recommend that at this time the Commission neither deny nor grant this application, but that a decision be postponed until the investigation into the general transportation situation in Los Angeles has progressed sufficiently to enable the Commission to determine whether or not the application should be granted. If the Commission adopts this view, we recommend the following form of order:

O R D E R

LOS ANGELES AND SALT LAKE RAILROAD COMPANY, having on July 16, 1917 made application to the Commission for permission to cross at grade nine (9) public streets, four (4) steam railway tracks, and one (1) double track street railway; and a public hearing having been held; and it appearing to the Commission that this application should not be granted at this time;

IT IS HEREBY ORDERED, That a supplemental order will be issued at such time as the Commission may be in possession of the necessary information to determine whether or not this application should be granted, and the location, construction, instal-

lation, and protection of the crossings involved in this application.

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.

Dated at San Francisco, California, this 18th day of August, 1917.

Max Thelen

H. D. Howard

Alv. Gordon

Edwin O. Edgerton

Frank R. Doolin

Commissioners.