

Decision No. 7254

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
PACIFIC ELECTRIC RAILWAY COMPANY,  
SOUTHERN PACIFIC RAILROAD COMPANY,  
and SOUTHERN PACIFIC COMPANY, to  
Dismantle and remove the Wharf at  
Port Los Angeles and to Remove Certain  
Railroad Tracks on and Adjacent thereto  
in the County of Los Angeles, California.)

ORIGINAL

) Application No. 4948

Frank Karr, for Applicants,  
Victor R. McLucas, City Attorney, for  
the City of Santa Monica,  
Clifton Oliver, in propria persona,  
F. G. Sherlock, for Wholesale Fish Dealers  
in Los Angeles,  
E. A. Carmichael and H. D. Potter, for the  
Los Angeles Pressed Brick Company.

BRUNDIGE, Commissioner.

O P I N I O N

In this proceeding applicants request the Railroad Commission to authorize them to abandon, tear down and remove the remaining portion of what is known as the long wharf at Port Los Angeles, north of the city of Santa Monica, in Los Angeles County, and to abandon and remove all railroad tracks lying west of a point in map marked "Exhibit A" and attached to the application filed in this proceeding, said point being designated on said map as "B.C. 470 + 84.5 (P.E.)" and "120 + 92.5 (S.P.)", the same being a short distance east of the location of the wharf which the applicants desire to remove.

A public hearing on this application was held in Los Angeles, on Tuesday, December 23, the matter was duly submitted and now is ready for decision.

It appears that the Southern Pacific Railroad Company

owns the property sought to be abandoned, and that the Southern Pacific Company has a leasehold estate therein, as lessee, from said Southern Pacific Railroad Company, and that Pacific Electric Railway Company, as successor in interest to Los Angeles Pacific Company, has a leasehold interest as lessee in said property from Southern Pacific Railroad Company and Southern Pacific Company.

The wharf which it is sought to abandon was constructed by the Southern Pacific Railroad Company under the provisions of an ordinance adopted by the County of Los Angeles, February 29, 1892, and effective March 20, 1892, granting the privilege of maintaining said wharf for a period of twenty years thereafter. This right expired by limitation, on March 20, 1912.

When originally constructed, this wharf was Six Thousand Six Hundred and Sixty Eight and two-tenths (6,668.2) feet in length from the highwater mark on the shore of the Pacific Ocean, and was extensively used by the Southern Pacific Railroad Company and the Southern Pacific Company for many years, particularly for the receipt and shipment of coal and other heavy commodities.

After the construction of the so-called "long wharf" at Port Los Angeles, there ensued for a term of years in the early '90s, a spirited and more or less acrimonious controversy between the merits and advantages of Port Los Angeles and the rival port of San Pedro, as a harbor and port of entrance for the commerce of the rapidly growing city of Los Angeles and the territory tributary thereto. This controversy culminated in the Federal Government making an appropriation for the building of a breakwater at San Pedro and for other improvements at that point. Thereafter gradually the bulk of the coast-wise and other water traffic for that section began to concentrate at San Pedro and about the years 1903 and 1904, after the development of oil for fuel instead of coal, the Southern

Pacific Company transferred the principal part of its business in Southern California to the Port of San Pedro. Since that time the wharf at Port Los Angeles has been unused for commercial purposes except such use as has been made of it by the Los Angeles Pacific Company and the Pacific Electric Railway Company, its successor in interest.

Several years ago the outer end of the wharf was damaged by storms and it became necessary to dismantle and remove about two thousand feet thereof. The remaining portion of the wharf, which it is now sought to abandon and remove, has been utilized mainly in recent years for the receipt of fish and its shipment to the Los Angeles market, there having grown up along the beach just west of the wharf, a small community known as the Japanese Fishing Village, the majority of the inhabitants being engaged in deep-sea fishing for supplying in part the markets of Southern California with fish. This fishing village was located upon lands owned or controlled by the applicants, who have refused to renew the leases, and within the last year the fishing village has almost entirely disappeared. With the disappearance from this locality of the fishing boats owned or operated by the Japanese formerly located there, the receipt of fish over this wharf has become less and less and has practically disappeared.

The proposed abandonment and removal of the wharf and of the railroad tracks leading thereto was opposed by the City of Santa Monica, by several persons interested in the fishing industry, and by one hundred and fifty-four citizens, most of whom reside in Santa Monica, who filed with the Commission a petition requesting that the application under consideration be denied. It was the contention of the City of Santa Monica that the Pacific Electric Railway Company is receiving considerable

revenue from the shipment of fish, and that this revenue could be considerably increased if the Company could provide a more satisfactory service than in the past. In the main this also was the contention of others opposed to the abandonment of the wharf and of the tracks leading thereto.

The Pacific Electric Railway Company submitted exhibits showing the revenue derived from freight received at and forwarded from Port Los Angeles during the years 1917 and 1918 and for the first nine months of 1919. These figures showed that during the latter half of 1918 the Pacific Electric Railway received from freight forwarded from Port Los Angeles only the sum of 50 cents and that from January to October in 1919, nothing at all from this source. For the same period in 1919 the company had a revenue of \$1,139.37 derived from freight received, but claimed that approximately \$900.00 of that amount was received for transporting roadmaking material for street improvements.

In as much as most of the fish shipped over the Pacific Electric Railway is carried by express, the company also submitted an exhibit showing its revenue from this source. From express received and forwarded in 1917 the Pacific Electric Railway Company received as its proportion of the total charge, the sum of \$2,903.79; in 1918, \$2,303.55 and for the first ten months in 1919, \$1,453.63.

Applicants allege that the wharf is in a state of disrepair and that in its present condition is a menace to navigation, and that there is no business now originating over the wharf, or capable of being developed which justify the necessary expenses of reconstruction. The City of Santa Monica, which maintains a municipal pier used for pleasure purposes and for the purpose of conducting an outfall sewer into the Pacific Ocean, also asks the Commission to require the applicants to maintain the wharf under

consideration in such state of repair that it will not become a menace to the Municipal Pier of Santa Monica and other pleasure piers in said City.

An inspection of the wharf under consideration was made by engineers employed by the Railroad Commission, and while these engineers are of the opinion that the wharf at the present time is not in a particularly dangerous condition, it is evident that the applicants will be called upon from time to time to expend considerable sums to maintain the structure in such repair that it may not become a menace to other piers along the coast and to navigation.

From all the evidence presented there seems to be no necessity which requires the further maintenance of the wharf under consideration, or for the maintenance of the tracks leading thereto, and the petition of the applicants should be granted. I therefore submit the following form of order.

#### O R D E R

The Pacific Electric Railway Company, the Southern Pacific Railroad Company and the Southern Pacific Company having applied to the Railroad Commission for authority to dismantle and remove the wharf at Port Los Angeles and to remove certain railroad tracks on and adjacent thereto, in the County of Los Angeles, California, a public hearing having been held, and the Commission being of the opinion that the application should be granted,

IT IS HEREBY ORDERED that the Pacific Electric Railway Company, the Southern Pacific Railroad Company and the Southern Pacific Company be, and they hereby are authorized to abandon, dismantle and remove the aforesaid wharf at Port Los Angeles, in a manner that will not in anywise endanger the safety of the

Municipal Pier in the City of Santa Monica and other pleasure piers and structures along the coast in Santa Monica bay, or in any wise prove dangerous to navigation in that vicinity.

IT IS FURTHER ORDERED that the Pacific Electric Railway Company the Southern Pacific Railroad Company and the Southern Pacific Company, be, and they are hereby authorized to abandon and remove certain railroad tracks owned by them, situated west of a point designated as "B.C. 470 + 84.5 (P.E.)" and "120 + 92.5 (S.P.)" on a map attached to the application filed with the Railroad Commission in this matter, the map being marked for identification as "Exhibit A."

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 12<sup>th</sup> day of March, 1920.

Edwin O. Egerton  
H. D. Loveland  
Frank R. Wherry  
H. T. Brundage  
Commissioners.