

Decision No. 28836

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the COUNTY OF LOS ANGELES for)
separation of grades on Soledad) Application No. 19850
Canyon Road over Southern Pacific)
Company right of way.)

W. B. McKesson, for Applicant.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION.

O P I N I O N

The above entitled application was filed by the County of Los Angeles seeking authority to construct Soledad Canyon Road at separated grades with the Southern Pacific Company's San Joaquin Valley main line, and also requesting the Commission to allocate the cost of same between applicant and Southern Pacific Company.

A public hearing on this application was conducted by Examiner Hunter on May 17, 1935, at Los Angeles, at which time the matter was duly submitted.

In its report dated April 25, 1935, the Los Angeles County Grade Crossing Committee recommended the construction of this separation. While Southern Pacific Company is a member of this committee, the recommendation was made with the understanding that it would in no way prejudice the company's position with respect to apportionment of cost of the proposed improvement.

The county road involved herein (Soledad Canyon Road) extends from a connection with a state highway known as Mint Canyon Road at a point called Solamint, through Soledad Canyon to another

connection with the same state highway north of Acton, a distance of about eighteen miles. In general, it parallels the main Valley Line of Southern Pacific Company through this canyon and crosses the track at grade at a number of locations. This road has been in existence over forty years and the County is now rebuilding approximately five and one-half miles of it on a new alignment, in order to eliminate many sharp curves and avoid grade crossings with the railroad. The County proposes to construct the new highway with a roadway width of thirty feet. The estimated cost of this improvement is about \$200,000.

The record shows that the vehicular traffic over the Soledad Canyon Road has in the past been comparatively light, consisting of a small amount of local traffic and a somewhat larger amount of week-end travel to and from the picnic grounds and other attractions in the canyon. It is estimated that approximately 20 per cent of the traffic now using the Mint Canyon Road, which is an important state highway through this district, will route itself over the new Soledad Canyon Road upon its completion, due primarily to the fact that the grades are lighter and the distance somewhat shorter; also it traverses a more scenic district. Generally speaking, the new alignment is at a considerably higher elevation than either the old road or the railroad track. In order to continue this plan of alignment, it is necessary that the new highway be carried over the railroad as well as the natural drainage channel (Soledad Creek) adjacent thereto. A favorable location for such an overhead crossing is at the point of the proposed separation near the station of Alpine.

Applicant estimates the cost of the structure and approaches at \$23,750, of which \$3,500 is designed to cover the cost for the fill at the east approach, the balance being for the elevated structure itself, which will be about 250 feet in length.

The railroad involved is Southern Pacific Company's main Valley Line. At the point of the proposed separation, the Company maintains a single track within its 200-foot right of way. The Company's exhibit No. 14 shows the present traffic to be, on the average, eleven trains daily through this territory, approximately half of which are passenger trains.

While Southern Pacific Company is not opposed to the construction of this separation, it takes the position that it should not be assessed any portion of the expense of the improvement. In support of this position, it contends that even though the railroad were not in the canyon, it would be necessary for the County to make its highway relocation at approximately the same elevation as is contemplated in this plan, in order to provide a connection with the Agua Dulce Canyon Road with reasonable grades, as well as to eliminate the hazard of high water from occasional spring freshets and heavy rains in the upper branches of the canyon. As a result of these conditions, the Company contends that it would be necessary in any case to build a bridge over the canyon at or near the location proposed herein. In answer to this contention, a witness for the applicant stated that if it were not for the railroad being in the canyon, the County could build a bridge suitable for its purpose over Soledad Creek at a cost of approximately \$2,500, but admitted this plan would require steeper grades than would obtain with the proposed separation.

The rebuilding of the said five and one-half mile section of new highway permits of the closing of three grade crossings, namely, Crossings Nos. B-435.4, B-436.0 and B-438.1. Although crossing No. B-438.1 has now been physically closed as a result of this improvement, this closing will be considered as a part of the benefits accruing from this project in considering apportionment of the expense of the separation between applicant and the carrier. While the testimony shows that it will be

necessary for the County to continue to maintain portions of the old road in order to provide access to the adjacent property, the new highway fills this need for a considerable portion of the distance within the limits of the improvement. The testimony shows further that construction of the new highway will provide a road free from grade crossings for what might be termed the "through traffic," leaving only two of five grade crossings and two existing separations to accommodate strictly local traffic within the limits of this highway improvement.

Southern Pacific Company objected to applicant's plan of structure with respect to the clear width between bents. Under the County's plan, the bents are on twenty-five-foot centers, whereas, it is the Company's contention that in order to properly take care of the occasional flood waters and to eliminate the possibility of a failure of a portion of the structure, thereby endangering the railroad track, these bents should be on fifty-foot centers with a thirty-two-foot span over the railroad track. The Company's design is set forth in its Exhibit No. 20, the primary difference between this plan and that of applicant being the spacing of bents and the depth of the footing. In the Company's plan, the footings are carried to a greater depth. Southern Pacific Company's Exhibit No. 21 shows the estimated cost of this redesigned structure to be \$26,839, which does not include an allowance for approach fills, as does applicant's estimate.

In view of the fact that the design of any structure spanning Soledad Creek must have the approval of the Los Angeles County Flood Control District, the following order will provide that applicant must submit to the Commission a plan bearing the approval of both the Flood Control District and the Company, or a statement why such approval is withheld.

In summing up the evidence in this proceeding, it is clear that the railroad will receive some benefits as a result of the reconstruction of this five and one-half miles of new highway, in that it will permit of the closing of three grade crossings, each of which is protected by a wigwag, thereby relieving the railroad of the maintenance of these three crossings within the limits of lines two feet outside of the outside rails, as well as the maintenance of the wigwags. The record shows these particular grade crossings to be free from accidents during the past nine years. It cannot be contended by the Company, however, that because these crossings have a clear accident record, it will not benefit by their elimination, as all grade crossings are points of potential hazard with their attendant expense, whether or not they have been the scene of accidents in the past. It is difficult to assign any monetary value to such a hazard factor, but, nevertheless, it is an item to be considered.

It should be pointed out that if the County had elected to construct this new highway at grade across the track, using the existing grade crossing near the site of the proposed separation, the Commission would have required the installation of an additional automatic signal, the maintenance of which would have been assessed to the railroad. Thus the railroad would have been called upon to maintain two wigwags at this crossing instead of one.

It is concluded that the Southern Pacific Company should, as a result of the benefits above referred to, contribute the sum of \$5,000 toward the construction of this separation, under the conditions set forth in the following order. If, however, applicant does not or cannot comply with the requirements with respect to the closing of the grade crossings, the apportionment of expense should be on a somewhat different basis.

After a careful review of the evidence in this proceeding, it is concluded that applicant should be authorized to construct the proposed separation in accordance with a plan to be filed with the Commission and subject to its approval, the apportionment of the expense of effecting this separation to be on the basis set forth above, and the following order will so provide.

O R D E R

The County 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 County of Los Angeles is hereby authorized to construct a road known as Soledad Canyon Road at separated grades over Southern Pacific Company's Valley Line in the vicinity of Alpine Station, County of Los Angeles, State of California, at the location more particularly described in the application and in accordance with a plan to be submitted to the Commission, before actual work is commenced, bearing the approval of both Southern Pacific Company and Los Angeles County Flood Control District, or a statement showing why such approval has not been obtained, subject, however, to the following conditions:

- (1) The above mentioned separation shall be identified as Crossing No. B-435.7-A.
- (2) The expense of constructing said separation shall be apportioned between Southern Pacific Company and applicant on the following basis: Southern Pacific Company shall contribute the sum of five thousand dollars (\$5,000) toward this separation, the remainder to be borne by applicant.
- (3) The maintenance of said separation shall be borne in accordance with a plan to be agreed upon by Southern Pacific Company and applicant, a copy of which shall be filed with this Commission before

actual construction of the separation is commenced. In the event these parties cannot arrive at an agreement covering such maintenance expense, the Commission will, by supplemental order, determine this matter.

- (4) Said separation shall be constructed with clearances conforming to the provisions of the Commission's General Order No. 26-C.
- (5) The applicant shall, before commencing actual construction of this separation, or before requiring the Company to contribute all or any portion of the sum assessed to the railroad, file with this Commission a certified copy of an appropriate ordinance or ordinances, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossings identified as Crossings Nos. B-435.4, B-436.0 and B-438.1. Upon the completion of the separation herein authorized and upon its being opened to public use and travel, the above identified crossings shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said separation and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this _____ day of June, 1935.

Dean C. Kelly
M. J. Lee
W. B. Harris
W. H. ...
Frank ...

Commissioners