

Decision No. 28236.

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 Canyon Road over Southern Pacific Company right of way.

Application No. 19850.

ORIGINAL

W. B. McKesson, for applicant.

H. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

OPINION AND ORDER AFTER REHEARING

On June 27th, 1935, Southern Pacific Company filed its petition for reopening and rehearing in the above entitled proceeding, for the purpose of taking testimony with respect to the estimated increased and/or decreased annual cost of each of the crossings to be abandoned and the separation to be installed. Pursuant to this request, the Commission issued its Order setting aside Decision No. 28036, heretofore entered in this proceeding on June 17th, 1935, and directed Examiner Hunter to conduct such rehearing, which was held at Los Angeles on September 6th, 1935.

It is the contention of Southern Pacific Company that the separation involved herein should be treated either as a strictly local crossing problem or as part of the entire highway improvement project, extending from Solamint on the west to Acton on the east, a distance of about eighteen miles. In the Opinion of Decision No. 28036 there is set forth a complete description of this entire project.

The following tabulation is taken from Exhibit No. 25, introduced by Southern Pacific Company at the rehearing, and shows

the estimated costs to the railroad of constructing and maintaining the various grade crossings, together with the protective devices, within the limits of the entire project:

		Estimated Annual Costs			
	No. of	Estimated	Replace-	Main-	
	Units	Ledger	ment	tenance	
		Value	Fund	& Oper-	Total
				ation	
<b>1. CROSSING CRC B-438.1</b>					
(LANG)					
(Eliminated Feb.1932)					
(Officially Abandoned					
Nov. 1933)					
(a) Grade Crossing (Oil					
Macadam CRC Type					
No. 1)	18 ft.	\$17.50	\$2.10	\$1.20	\$3.30
(b) Crossing Sign	1	7.50	.50	.65	1.15
(c) Cattle Guards	2	111.38	6.52	1.52	8.04
(d) Wigwags(inst.1911)	1	647.87	29.16	60.00	89.16
TOTAL		\$784.25	\$38.28	\$63.37	\$101.65
<b>2. CROSSING CRC B-436.0</b>					
(ALPINE)					
(a) Grade Crossing (Oil					
Macadam CRC Type					
2-A)	16 ft.	\$47.00	\$5.20	\$1.60	\$6.80
(b) Crossing Sign	1	7.50	.50	.65	1.15
(c) Wigwags(inst.1909)	1	673.60	30.30	60.00	90.30
TOTAL		\$728.10	\$36.00	\$62.25	\$98.25
<b>3. CROSSING CRC B-435.4</b>					
(a) Grade Crossing (Oil					
Macadam CRC Type					
2-A)	16 ft.	\$47.00	\$5.20	\$1.60	\$6.80
(b) Crossing Sign	1	7.50	.50	.65	1.15
(c) Wigwag(inst.1909)	1	695.85	31.30	60.00	91.30
TOTAL		\$750.35	\$37.00	\$62.25	\$99.25
<b>4. CROSSING CRC B-429.7</b>					
(a) Grade Crossing (Oil					
Macadam CRC Type					
2-A)	24 ft.	\$72.00	\$7.75	\$2.40	\$10.15
(b) Crossing Sign	1	7.50	.50	.65	1.15
(c) Wigwag(inst.1911)	1	696.26	31.35	60.00	91.35
(d) Cattle Guards	2	152.52	8.36	1.52	9.88
TOTAL		\$928.28	\$47.96	\$64.57	\$112.53
<b>5. PROPOSED CROSSING CRC</b>					
<b>B-429.5(REPLACING</b>					
<b>B-429.7)</b>					
(Two tracks on skew, 20'					
pavement)					
(Estimated Length of					
Crossing 40 ft.)					

		<u>Estimated Annual Costs</u>			
	<u>No. of</u>	<u>Estimated</u>	<u>Replace-</u>	<u>Main-</u>	
	<u>Units</u>	<u>Ledger</u>	<u>ment</u>	<u>tenance</u>	
		<u>Value</u>	<u>Fund</u>	<u>&amp; Oper-</u>	<u>Total</u>
				<u>ation</u>	
5. (Continued)					
(a) Grade Crossing (Guard-					
rail & pavement					
Type 2-B	80 ft.	\$396.00	\$32.55	\$8.00	\$40.55
(b) Crossing Sign	None				
(c) Wigwags	2	1,800.00	81.00	84.00	165.00
(d) Cattle Guards					
(Two Tracks)	2	310.00	16.25	1.52	17.77
(e) Interest on New In-					
vestment by S.P.Co.					
(Guardrails \$144,					
Cattle Guards \$207) 6%					12.45
TOTAL		\$2,506.00	\$129.80	\$93.52	\$235.77
PROPOSED OVERHEAD CROSSING	435.73	-			
Annual Maintenance by Railroad			Not Determined		

By reference to this tabulation, it will be noted that no allowance is made to cover the intangible item of potential hazard, which is a feature to be considered in establishing or closing grade crossings. An attempt was made by Southern Pacific Company to show that it is the eventual plan of the county to construct the highway on a surveyed line north of the railroad, from Crossing No. B-429.7 to the Town of Acton, a distance of about four miles, thereby replacing Crossing No. B-429.7 with a new and more costly one to construct and maintain, to be designated as No. B-429.5, as shown in the above tabulation. This plan, if carried out, would also involve rebuilding the county road between Crossing No. B-427.9 and Acton (about two miles) from its present location on the south side of the railroad to the north side thereof. This contention, however, is refuted in its entirety by the county's representative, with the definite statement that, as county plans now stand, the highway is complete through this section and that, although there is such a survey in existence, the county has no intention, either immediate or otherwise, of doing any work on this section of highway, particularly with respect to a relocation of the road.

It appears from the record that if the section of road between Crossing No. B-429.7 and Acton were to be improved, it is likely that it would be built entirely on the south side of the track, thereby eliminating two existing public grade crossings (B-427.9 and B-429.7),

as well as a number of private crossings. The record further shows that a right of way has been deeded to the county for the construction of a highway on the north side of the railroad between Crossing No. B-427.9 and Acton; however, the county, pursuant to a resolution dated September 10th, 1935, has vacated and abandoned this property. There is now nothing before us that justifies the conclusion that any such new road will ever be constructed.

Southern Pacific Company contended that any benefits accruing to it, as a result of the closing of Crossing No. B-438.1, which was effected November 29th, 1933, should not be considered in the determination of the apportionment of cost of the grade separation proposed herein. This position, however, is not consistent with one of the company's contentions - that the entire highway improvement between Solamint and Acton be considered as one project, with respect to changes in the crossing situation of this county road with the railroad. On the other hand, to treat the question of apportionment of costs of the proposed separation as a local matter, suggested by the railroad as an alternative plan, would be entirely impractical in this particular case, since physical conditions definitely fix, in a practical way, the location of the proposed grade separation and the new alignment through this canyon entirely changes the grade crossing situation within the limits of the project. The railroad could not reasonably expect a lesser assessment, as its proportion of the expense of constructing the proposed grade separation, than can be capitalized due to a direct saving in operating expenses accruing as a result of changes in the grade crossing situation over the section of the highway involved.

Exhibit No. 25 shows that direct operating savings that accrue to Southern Pacific Company, as a result of the elimination of the physical structures through the closing of three grade crossings (B-435.4, B-436.0 and B-438.1), amount to approximately \$300.00 per year. In addition to this direct saving, the railroad receives

some benefits as a result of closing grade crossings on its lines through the elimination of both the potential hazard element and the unrestricted use of the crossings.

After carefully considering the record in this proceeding, it is the Commission's opinion that the closing of Crossing No. B-438.1 is clearly a part of this project; furthermore, it is apparent that, if the road from Crossing No. B-429.7 to Acton were to be reconstructed on the south side of the track, as suggested by the county's representative, additional benefits would accrue to Southern Pacific Company through the elimination of the two public grade crossings referred to above and, if this plan should be carried out at this time, the Commission would be justified in assessing a considerably greater portion of the costs of the proposed separation to Southern Pacific Company. We must conclude, from this record, that the apportionment of costs, as set forth in Decision No. 28036 in this matter, is just and reasonable and the original Order should be reinstated and reaffirmed.

O R D E R

A rehearing on the above entitled proceeding having been held and the matter having been submitted;

IT IS HEREBY ORDERED that the Order in the Commission's Decision No. 28036, dated June 17th, 1935, in the above entitled proceeding, be and it is hereby reinstated and reaffirmed.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 23rd day of September, 1935.

Leon Whitely  
W. B. Lane  
W. B. Lane  
Malcolm  
Samuel

Commissioners.