

Decision No. 28159

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
LOS ANGELES & SALT LAKE RAILROAD COM-
PANY, a corporation, for authority to
discontinue operations over certain
trackage between Cherry Avenue and
East 23rd Street in the City of Long
Beach, California, and for approval
of the removal of said trackage, with-
out forfeiture of its right to recon-
struct the same and to operate its
trains, engines and cars thereover.

) ORIGINAL

) Application No.

) 20,309

BY THE COMMISSION:

OPINION AND ORDER

In 1931 and 1932 Los Angeles & Salt Lake Railroad Company was granted certificates of public convenience and necessity by the Interstate Commerce Commission authorizing abandonment of certain trackage on its San Pedro Branch (Finance Dockets Nos. 8681 and 9573) and construction of a new cut-off connecting therewith (Finance Docket No. 8680) pursuant to which the railroad relocated part of its San Pedro Branch.

In Finance Docket No. 10499, decided June 30, 1934, the Interstate Commerce Commission found that present and future public convenience and necessity permitted the abandonment of a portion of the trackage of the railroad's old San Pedro Branch located south of the connection of the cut-off with the said San Pedro Branch. (1)

(1) In its decision the Interstate Commerce Commission found in part as follows:

"The Railroad Commission of the State of California advised us that it is not opposed to the granting of the application. No objection to the application has been offered.

* * * It is apparent from the facts of record that the transportation need for the tracks proposed to be abandoned is not sufficient to justify continued operation, which operation would impose an undue burden on interstate commerce, and that their abandonment would not result in serious public inconvenience."

By its present application before this Commission the railroad seeks authorization for the discontinuance and suspension of operation and service over this latter portion of its San Pedro Branch, together with a finding that at the time of the abandonment authorized by the Interstate Commerce Commission public convenience and necessity permitted suspension of service and now permits the continued suspension of railroad service over such trackage, without forfeiture of the right to reconstruct and operate over the same at some time in the future, etc.

The trackage in question, a part of the railroad's old San Pedro branch, extended from a connection with the main track of said branch at a point near Cherry Avenue and Thirty-third Street, in Long Beach, through Signal Hill to the end of the branch at East Twenty-third Street in Long Beach, a distance of 8,613 feet, with six short spur or team tracks connecting therewith, known as Burnett tracks Nos. 1, 2, 4, and 6, and Bixby tracks Nos. 4 and 5, having a total length of 3,768.5 feet, of which 876.4 feet was owned by industries; all in Los Angeles County, California.

Applicant alleges that the primary reason for said abandonment was that the use made of the tracks was not sufficient to justify their continued maintenance and operation. ⁽²⁾ It is represented that prior to its petition to the Interstate Commerce Commission, ap-

(2) The railroad represents that the only use made of said single track was to serve the team track and five industry spurs connected therewith; that during the year ended March 1934 the total traffic handled thereover amounted to 120 cars, on only one of which a substantial haul was received, and that there was no prospect of any substantial increase in the demand for the use of the tracks.

The railroad also represents that the total System revenue from traffic to or from said tracks during the period December 16, 1932-April 30, 1934 was \$2,987.73, while the out-of-pocket cost of maintenance and operation was \$2,461.12. The revenue included not only that earned by applicant but that earned by connecting carriers comprising portions of the Union Pacific System lines. It is represented that the revenue for said period allocated to the trackage on a mileage prorate would be negligible. The number of tons of freight handled during the period was 2,095, of which all but 129 tons consisted of oils and their products. The petroleum industry was the principal business near the tracks, but, according to applicant, was not dependent on these tracks for transportation, as other nearby rail facilities of applicant were available.

plicant had presented the matter of the proposed abandonment to all shippers who had been making use of the tracks, and had received assurances from all of them that they had no objection to such abandonment.

Another important reason advanced for the abandonment was the situation regarding the crossing of this single track by Willow Street in the City of Signal Hill. The street was carried over the track by a frame structure, sharply arched to afford sufficient clearance. Because of this "hump" in the street the crossing was considered dangerous, and the City had been endeavoring to secure elimination of such hazard through a plan which called for depressing the track and replacing the overhead bridge with a more flattened steel structure. It is stated that highway travel was steadily increasing and that the railroad feared that unless it abandoned its track it would be compelled to participate in the rearrangement of the crossing at a cost to it of not less than \$25,000, and possibly a sum in excess of that amount.

Applicant regularly files with this Commission annual reports on forms prescribed by us, showing its financial condition and operating statistics. Public hearing in this matter appears unnecessary.

The Interstate Commerce Commission having found that the continued operation of this branch line would impose a burden upon interstate commerce, and having authorized abandonment thereof, the sole function now remaining to this Commission is to determine whether the operation of the line in intrastate commerce alone is justified. It must be apparent that the income from the operation of such line or trackage as above described could not be sufficient to defray the expense of maintaining and operating the same in connection with applicant's other railroad facilities, and that the discontinuance and suspension of operation thereover since the date of the above mentioned order of the Interstate Commerce Commission has been and for the future will

be justified.

Based upon the foregoing conclusions and findings, and good cause appearing, IT IS ORDERED that Los Angeles & Salt Lake Railroad Company is hereby authorized to suspend service and discontinue operation over the trackage described in the fourth paragraph of this decision, without prejudice to the reconstruction thereof and resumption of service and operation thereover at such future time as public convenience and necessity may so require.

Dated at San Francisco, California, this 27th day of December 1935.

Leon C. Wheeler
W. M. A. Case
M. B. Harris
Arthur H. Brown
Frederick R. Brown
Commissioners