

Decision No. 20244

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC ELECTRIC RAILWAY COMPANY
for authority to discontinue its
station building at Van Nuys, abandon
spur tracks, and sell property at
Van Nuys.

Application No. 20578

ORIGINAL

C. W. Cornell, for applicant.
John T. Gose and Hugh Gordon, for Van Nuys Grain
and Feed Co., protestant.
K. Charles Bean, for Los Angeles Board of Public
Utilities and Transportation.
W. R. Woodruff, for City Planning Commission of
Los Angeles.

BY THE COMMISSION:

O P I N I O N

In this proceeding, Pacific Electric Railway Company requests authority to discontinue its station building at Van Nuys, abandon spur tracks and sell certain of its property at Van Nuys in the City of Los Angeles, County of Los Angeles, California.

A public hearing was held in this matter before Examiner Hall in Los Angeles on September 10, 1936, at which time evidence was received and the matter taken under submission.

The San Fernando line of the Pacific Electric Railway Company operates in a north and south direction through Van Nuys, and the tracks occupy the center of Van Nuys Boulevard. A station is maintained on property located at the northwest corner of the intersection of Van Nuys Boulevard and Friar Streets, in

the northerly part of Van Nuys. Upon this property is located a station building and the two spur tracks involved herein. One is a short spur running in a northerly direction and serves the station building (hereinafter called the "house track") and the other runs in a westerly direction through applicant's property to and serving the property of Van Nuys Grain and Feed Company, located on property at the northeast corner of the intersection of Friar Street and Vesper Avenue, one block west of Van Nuys Boulevard. These two spur tracks join on the southeast corner of applicant's property and connect with the main line as a single track a short distance south of Friar Street, cross the west roadway of Van Nuys Boulevard, and cross Friar Street at its intersection with Van Nuys Boulevard.

The record shows that the station building and the "house track" now have practically no use and are no longer necessary to meet the public need for transportation. No protest was raised against the granting of the application in so far as it relates to the station building and the house track, nor was there any objection to the sale of any or all of the property, provided spur track service was maintained to the plant of Van Nuys Grain and Feed Company.

Applicant alleges that there is insufficient business at said station or on said spur tracks to justify their continued maintenance and that upon the abandonment of these facilities the property they occupy will no longer be needed for common carrier purposes.

Exhibit "A", attached to and made a part of the application shows the amount of business handled over the spur track for the years 1931 to 1935 inclusive, and for the first

four months of 1936. The total revenue received is shown as follows:

<u>Year</u>	<u>Pacific Electric Line Haul and Switching from Southern Pacific Company</u>
1931	\$1,544.13
1932	1,116.84
1933	- -
1934	2.70
1935	131.77
1936 (1st 7 months)*	217.25

*Exhibit "A" 1st four months, plus
May, June and July (Testimony of
W. J. Knoche).

Applicant alleges that it proposes to discontinue Van Nuys as a less-than-carload station but to retain it as a carload station serving Los Angeles Bureau of Light and Power and Fernando Valley Feed and Supply Company. It was shown that L. C. L. and other freight service can be given by Southern Pacific at its freight station westerly of Van Nuys Boulevard at Bessemer Street and located five blocks south of Pacific Electric station at Friar Street.

Applicant proposes to sell the property herein involved for \$75,000 and thereby be relieved of the annual tax burden of \$1570.

Witnesses for applicant and for City Planning Commission of Los Angeles showed that the property in the vicinity of Pacific Electric station is now zoned for retail business and it is their desire to have the railroad spur track facilities removed so that the property can be developed for this class of business.

Protestant, Van Nuys Grain and Feed Company, alleges that it has been offered spur track service for many years and that this service is necessary for the continued economical operation of its plant. In support of its protest Exhibit No. 11 was entered, showing the amount of business handled over this

spur track for the years 1926 to and including the first eight months of 1936. This exhibit shows that in 1933 no business was transacted over this spur but since that time the number of shipments have been on the increase to such an extent that for the first eight months of 1936, 975 tons of carload freight were delivered to it over the spur track in question.

Protestant has no objection to the sale of the property so long as provision is made for it to enjoy spur track service, either over the existing connection with the main line or over a relocated connection.

Protestant further alleges that if it is deprived of spur track service it would be necessary to truck its supplies from Southern Pacific freight station at an added cost of 50¢ per ton. This cost in turn would naturally affect and increase the cost of feed products to the consuming public.

A review of the record shows that the spur track serving the Van Nuys Grain and Feed Company has been and is now a convenience if not a necessity to this protestant.

It is clear from this record that, from both the standpoint of the applicant and the community of Van Nuys, it would be desirable to have the rail facilities which are the subject of this application, entirely removed from the property, but we cannot from this record justify the discontinuance of rail service to the opposing industry. It does appear appropriate, however, to suggest that the parties of interest attempt to work out a plan whereby the industry receives rail service at another location which will be satisfactory to all concerned.

It is therefore concluded that authority should be granted for the abandonment of the station and the removal of the house track and that the removal of the spur serving the Van Nuys Grain and Feed Co. and the sale of the property should be denied.

O R D E R

A public hearing having been held, and the matter being duly submitted,

IT IS HEREBY ORDERED that Pacific Electric Railway Company be and it is hereby authorized to:

I. Abandon and remove its station building at Van Nuys, in the City of Los Angeles, California; to discontinue Van Nuys as a less-than-carload station; and in conformity with the rules of this Commission, amend its freight rate tariffs applying to said station.

II. Abandon and remove spur track known as "house track" running in a northerly direction and located adjacent to said station building,

All of which is shown on the map (C. E. Drawing No. 9991) attached to and made a part of the application, subject to the following conditions:

- (1) Applicant shall within thirty (30) days from the date thereof, notify the Commission of the abandonment of said facilities.
- (2) The authorization herein granted shall lapse and become void, if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that Application No. 20578 in so far as it applies to the sale of applicant's

property located at the intersection of Friar Street and Van Nuys Boulevard, and the spur track serving the Van Nuys Grain and Feed Company, located on said property in Van Nuys, City of Los Angeles, County of Los Angeles, California, be denied.

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

Dated at San Francisco, California, this 20th day of November, 1936.

M. B. Lewis

Leon Whitely

W. H. Carr

W. H. Carr

James R. Deane
Commissioners.