

Decision No. 30991.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of SOUTHERN PACIFIC)
COMPANY for an order authorizing the construction)
at grade of a spur track across Alameda Street,) Application
near Tweedy Road, in the County of Los Angeles,) No. 21904.
State of California.)

ORIGINAL

C. W. CORNELL, for Applicant.
JACK G. SCHEAPIRO, for the Industry.
LEWIS B. STANTON, Protestant.
LEONARD ROACH, for Firestone Park Chamber of Commerce,
Protestant.
WALTER R. LINDERSMITH, for Los Angeles Traffic Association,
Interested Party.
PHILIP GOODMAN, for Southside Business Men's Association
of Southgate, Interested Party.
GEORGE PROUT, Property Owner, (103rd and Alameda), Interested
Party.

BY THE COMMISSION:

O P I N I O N

The above-numbered application, filed by Southern Pacific Company on April 28, 1938, seeks authority to construct a spur track at grade across Alameda Street near Tweedy Road, in the County of Los Angeles.

Public hearings were conducted in this proceeding by Examiner Hunter at Los Angeles on May 27th and June 10th, 1938, and, on the latter date, the matter was submitted and is now ready for decision.

At the site of the proposed spur track grade crossing involved herein, Southern Pacific Company's Harbor line extends parallel to and immediately east of Alameda Street. In this application the Commission is requested to grant authority to construct a spur track from the company's main line across Alameda Street to the proposed site of Finkelstein Foundry Supply Company. At this time there are no spur track crossings over Alameda Street in the

vicinity of the one proposed herein.

Alameda Street is one of the principal highway arteries between the central business district of Los Angeles and the Harbor district. Exhibits Nos. 1 and 2 show the result of a traffic check over a 24-hour period (April 14th, from 6:00 A.M. to 6:00 P.M., and May 26th and 27th, from 6:00 P.M. to 6:00 A.M.), to the effect that 13,685 automobiles and 3,651 trucks traveled along Alameda Street at the point where it is proposed to construct the spur track. It is proposed that, if the authority requested is granted, the crossing shall be protected by two automatic signals. Further than this, de-rails are proposed to be installed at either side of the crossing so that there will be no possibility of a car or cars drifting into the roadway.

Based on previous records, it is estimated that it will not be necessary to use the crossing more than once in each direction during a 24-hour period and witnesses for applicant testified that the local freight service through the area involved was performed at such hours that it would be possible for these switching movements to be made during the period when vehicular traffic on Alameda Street was at its minimum.

A protest to the granting of this application was registered by the Firestone Park Chamber of Commerce and witnesses for the protestant testified that their opposition was based largely on the matter of public safety and interference to traffic on Alameda Street. It was their contention that a spur track constructed over a heavily traveled artery such as Alameda Street, and its subsequent use for switching purposes, would not only constitute a serious hazard but would result in long delays to vehicular traffic. Further than this, it was their contention that Alameda Street was paved some twenty

years ago out of County funds, under a distinct understanding with the owners of the property on the west side of the street that no application would ever be made for spur tracks to cross this roadway. No documentary evidence was offered to support this contention.

The suggestion was made that possibly the industry for which the proposed spur track is to be constructed might be served from Pacific Electric Railway Company's Long Beach line, thereby eliminating the necessity of constructing a grade crossing over Alameda Street. In response to this suggestion, applicant introduced Exhibits Nos. 11 and 12, showing how this connection might be arranged from Pacific Electric, and also an approximation as to the cost under such an arrangement. Two plans were offered: Plan "A" contemplates the purchase of a strip of private right of way 25 feet in width between Graham Avenue and the westerly boundary of the property ; Plan "B" is a proposal to construct a connection from Graham Avenue in and along Century Boulevard, thence to the property. Plan "A" involves the construction of approximately 2,550 feet of track and it is estimated that this construction would cost \$22,708. This cost is exclusive of the cost of the necessary rights of way and also of any signals which might be required by the Commission at street intersections, of which there would be eight public streets and seven public alleys. Plan "B" would require the construction of approximately 2,690 feet of track, at an estimated cost of \$42,340. The difference in the estimate of construction cost of Plans "A" and "B" is attributed to the fact that in Plan "B" construction would be in paved street, requiring the use of grooved girder rail and the attendant paving costs. Plan "B" also would require the acquisition of two parcels of private property, the cost of which is not included in the estimate. Neither is any provision made in Plan "B" for the cost of any signals which might be required by the Commission. Both plans are contingent upon the necessary

franchises being issued by the City and County of Los Angeles.

A suggestion was also made as to the possibility of serving all of the industrial area fronting on Alameda Street by a drill track, the connections to which would require a minimum number of crossings of Alameda Street. Exhibit No. 13 shows that the trackage on the industry's property has been so arranged as to make such a plan feasible. Two proposals for drill track service were offered by applicant and are illustrated on Exhibits Nos. 14 and 16. Exhibit No. 14 shows a plan to serve the territory between Firestone Boulevard and Tweedy Road. This plan contemplates two grade crossings of Alameda Street and nine crossings of side streets which terminate at Alameda Street. Exhibit No. 15 is an estimate of the cost of providing the drill track service illustrated in Exhibit No. 14, and indicates that, exclusive of the necessary rights of way, it would require an expenditure of \$24,920. Exhibit No. 16 shows a possible means of serving the territory between Tweedy Road and 111th Street by drill track, and Exhibit No. 17 is an estimate of the cost of this proposed service and indicates that, exclusive of the necessary rights of way, this cost would amount to \$34,936. The plan would require an additional crossing of Alameda Street and six crossings of side streets. The proposal that drill track service be rendered to the territory between 89th and 111th Streets may be summarized by saying that such a plan would require four spur track crossings of Alameda Street, fifteen crossings of side streets, and the expenditure of \$59,856, exclusive of any amount that might be required for the acquisition of rights of way.

The record shows that the property north of 97th Street and fronting on Alameda Street is zoned for M-2 business (light manufacturing). It also shows that this M-2 zone is approximately 150 feet

deep from Alameda Street and it therefore appears reasonable to assume that any industry which might locate in this area in all probability would be of such a character as to not require service by rail. The above statement also holds true for that property between 107th and 111th Streets. During the course of the hearing witnesses for the industry appeared and testified as to the character of the development for which the spur track service would be required.

Arrangements have been made by the Finkelstein Foundry Supply Company to secure a piece of property fronting on Alameda Street for a distance of 414 feet and varying in depth from 1,900 feet on the north to 2,000 feet on the south, containing approximately nineteen acres. On this property it is proposed to erect the necessary buildings incident to conducting a steel products and foundry business, together with the necessary storage bins, etc. Witnesses for the industry testified that they have been in business in and about the City of Los Angeles for the past fifty years, and it is now their intention to expand their operations, which will entail an investment of over \$100,000 at the new location, if they are successful in obtaining a spur track crossing at Alameda Street in order to provide this property with rail service. During the year 1937 the average weekly number of employees on this industry's payroll amounted to 72, with a total payroll for the year 1937 in excess of \$113,000. If and when the new plant is constructed, it is anticipated that it will provide employment for approximately 300 people.

Exhibit No. 28 is a report of a sub-committee appointed by the Los Angeles County Grade Crossing Committee, indicating that it was the recommendation of this sub-committee to the General Committee that this application be not opposed.

The Los Angeles County Board of Supervisors, on March 22, 1938, adopted an Ordinance (No. 3100 N.S.), a copy of which is attached to the application, approving the construction of the spur track across Alameda Street, as proposed.

The problem here for determination is whether or not public convenience and necessity as indicated by this record justifies the authorization of a spur track crossing over such an important highway artery as Alameda Street. On the side supporting the granting of the application, we must give due consideration to the fact that industrial development is in public interest and that rail service is a necessary part of such a development. For the Commission to take the position that no spur track crossings should be permitted over important highways, would work an undue hardship in cases where it can be shown that the advantages from a public standpoint exceed the disadvantages in any particular case. On the other hand, it would be decidedly against public interest to permit the construction of spur tracks across important highway arteries where such crossings could be reasonably avoided. In any event, the number of such spur track crossings should be limited to the fewest possible to provide rail service to industrial property, which can be accomplished by planning in advance of development a rail layout so that large tracts can be served through the construction of a limited number of such crossings. In this case the Commission has given careful consideration to the entire record and reached the conclusion that it should authorize the construction of the spur track crossing proposed herein, provided the owner of the property for whom the spur track crossing is to be constructed files with the Commission a stipulation to the effect that it agrees that other potential industrial property along the west side of Alameda Street may receive rail service over the proposed spur track under a plan whereby the respective property owners shall each bear a just proportion of the cost of constructing and maintaining this spur track. The record indicates that the Finkelstein Foundry Supply Company has agreed to such a stipulation in this particular case, in fact it has agreed to construct the tracks on its property in such a manner as to conform

to the track layout as shown on Exhibits Nos. 14 and 16. With respect to the portion of the record dealing with the question as to whether or not the development as proposed by the Finkelstein Foundry Supply Company is detrimental to the residential area, this appears to be a matter which should be determined by other governmental agencies than this Commission.

A careful review of this record leads to the conclusion that the property to the west of Alameda Street, which has been zoned for heavy industrial development, is reasonably entitled to rail service. Of the various plans considered to provide such rail service, the one which appears to be the most meritorious from this record is that which employs the spur track crossing proposed herein, with the plan that the track can be extended to the north and south of the proposed site of the Finkelstein Foundry Supply Company along the west side of Alameda Street, in accordance with the track layout shown on Exhibit No. 16 and the following order will so provide.

O R D E R

Public hearings having been held and the Commission being fully advised,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct a spur track at grade across Alameda Street, in the County of Los Angeles, State of California, at the location more particularly described in the application and as shown by the map (Exhibit No. 13), subject to the following conditions:

- (1) The above crossing of Alameda Street shall be identified as Crossing No. BG-490.51-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public shall be borne by the applicant.

- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 3 in our General Order No. 72, and shall be constructed without super-elevation and of a width to conform to that portion of said street now graded, with tops of rails flush with the pavement and with grades of approach not to exceed one (1) per cent.
- (4) Two wigwags of the type of Standard No. 4 (side-of-street type), as specified in General Order No. 75-A of this Commission, shall be installed and maintained at the sole expense of applicant for the protection of said crossing of Alameda Street (Crossing No. BG-490.51-C). Standard derails shall be installed on both sides of the crossing and the wigwags shall be so connected as to operate only during the period these derails are open or the track is occupied between the derails.
- (5) Before actual construction is commenced, applicant shall file with this Commission a certified copy of a stipulation from the party (industry) for whom the spur track is to be constructed, to the effect that:
 - (a) It (the industry) shall construct the track layout on its property so as to permit of the extension of the track to serve other potential industrial property located to the north and south, substantially in accordance with the plan set forth in Exhibit No. 16.
 - (b). Upon payment to it (the industry) of a reasonable compensation, permission will be granted by it to such other person, persons or corporations as may desire to use said tracks, to operate over same, and the right granted to construct tracks across such portions of said owners' land as may be reasonably necessary to reach the property or business of such other person, persons or corporations, together with the right to operate cars over the same.
- (6) No train, motor, engine, or car shall enter upon said crossing at a speed greater than six (6) miles per hour. After having entered upon the crossing, it shall be cleared as quickly as is practicable.
- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (8) 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.

- (9) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing, as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience and necessity require such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 20th day of June, 1938.

William M. Kern
Leon S. Whipple
Frank R. Wilson
Robert A. Smith
Ray L. Kelley
Commissioners