

Decision No. 31015.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the City of Los Angeles for an order granting permission to the City of Los Angeles to construct a temporary railroad track in Anaheim Street across a certain track of the Pacific Electric Railway Company at grade, and determining and prescribing the manner and the terms of installation, operation, maintenance, use and protection of such crossing. } Application No. 12517.

BY THE COMMISSION:

ORIGINAL

SUPPLEMENTAL ORDER

The Commission, by its Order in Decision No. 16412, dated April 5th, 1926, in the above entitled proceeding, authorized the City of Los Angeles to construct a track at grade across Anaheim Road and Pacific Electric Railway Company's San Pedro line. This track crossing is at the intersection of McFarland Street and Anaheim Road, in the Los Angeles Harbor district. In granting this authority, the Commission prescribed certain conditions, three of which involve matters for consideration in this order. These three conditions are:

- "(3) Said crossing of Anaheim Road shall be protected by the stationing thereat of a uniformed police officer in control of all traffic at the crossing during the hours of 7 a.m. to 8 p.m. daily, except Sundays and holidays and during the hours of 8 a.m. to 11 p.m. on Sundays and holidays. Cost of such officer or officers shall be divided equally between applicant and Pacific Electric Railway Company."
- "(6) The authorization herein granted for the installation of said crossing shall lapse and become void two years from the date of this order whereupon said crossing shall be abolished."
- "(3) All trains, motors, engines or cars of Pacific Electric Railway shall stop before crossing the tracks of applicant and shall not proceed thereover until the conductor or other competent

employee has gone upon the crossing to ascertain if it is safe so to do and shall have given a suitable signal to proceed."

The time for the retention of this grade crossing of the two railroads involved was extended a number of times by Orders Extending Time, the last of which was dated October 5th, 1936, and provides that this crossing may be retained and used until September 30th, 1937.

The City of Los Angeles, by its petition filed with the Commission on February 16th, 1938, advised as follows:

"V. That the time limit for the use of the temporary connection provided for in said Order 16412 was extended from time to time by the Railroad Commission pending the construction of the permanent Santa Fe connection authorized by Order 19049, and on November 8, 1937, the Board of Harbor Commissioners of the City of Los Angeles notified the Railroad Commission that said connection had been finally completed and placed in operation at 12.01 P.M. on February 17, 1937, and that all of the conditions of your Order 19049 had been complied with. Applicant further states that upon the completion and placing in operation of said permanent connection the frogs and switch points connecting the temporary connection at Anaheim and McFarland Streets were removed and operation over said temporary connection ceased in compliance with the conditions of Order 16412."

The file also shows that this grade crossing has been made further inoperative through the removal of a section of the city's track on either side of Anaheim Road.

In its petition the city now asks that the Commission authorize the retention of this railroad grade crossing, to be used in the event operation of the newly constructed harbor connection is made impossible as a result of washout, accident, derailment or for any other cause. The Commission also is in receipt of a petition from Pacific Electric Railway Company, seeking the removal of the two conditions, each of which is referred to as (3) above.

As the situation now stands, it appears that the railroad grade crossing authorized in said Decision No. 16412 no longer exists. In view of the importance of Anaheim Road as an arterial highway, it

appears that, with the elimination of human flagman protection for Pacific Electric trains across the intersection of McFarland Street and Anaheim Road, there should be provided some form of automatic protection. It appears that such protection can be provided through the installation of a second wigwag at this location.

With respect to the city's application for the retention of this crossing for emergency use, it would seem improper that the Commission should grant the perpetuation of it, in view of the fact that a considerable sum of money has been spent to construct a permanent line which is practically free from grade crossings. Even under the city's plan, the question might be raised as to what constituted an emergency and it might well be that the Commission would be called upon, in some cases, to determine this question. It therefore appears to the Commission that the question of restoring this crossing to meet an emergency is one that should be decided upon its merits if and when the condition arises. In denying the city's request for the retention of this crossing for emergency purposes, it should be understood that the Commission will give preferred attention to any request for the restoration of this crossing for temporary use if and when such application is submitted to the Commission.

It appears that this is not a matter in which a public hearing is necessary; therefore,

IT IS HEREBY ORDERED that:

I. The supplemental application of the City of Los Angeles to maintain the temporary crossing and connection in Anaheim Road and McFarland Street, for use and operation if the new harbor line is rendered inoperative, be and it is hereby denied.

II. An additional Standard No. 3 wigwag (G.O. 75-A), shall be installed within six (6) months from the date hereof and maintained at the sole expense of Pacific Electric Railway Company, for

the protection of the crossing of Pacific Electric tracks over Anaheim Road (Crossing No. 6M-19.34). Upon completion of the installation of this additional signal, maintenance of a uniformed police officer at said crossing, as required by Condition (3) of Decision No. 16412, may be discontinued.

III. All trains, motors, engines and cars of Pacific Electric Railway Company shall make a safety stop prior to crossing Anaheim Road and shall operate over said intersection, after making the stop, at a speed of not to exceed ten (10) miles per hour.

IV. Condition (3) of Decision No. 16412, requiring the flagging of Pacific Electric Railway Company's trains over the crossing with the Los Angeles Harbor Railway-Santa Fe connection, is hereby revoked.

V. Pacific Electric Railway Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of the additional safety devices, as required herein, and of its compliance with the conditions of this Order.

VI. 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 demand such action.

The effective date of this Order shall be the date hereof.

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

Robert J. Brown
Leon A. Williams
Frank R. White
Harold W. King
Al H. King
Commissioners.