

Decision No. 31327

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE CITY OF)
LOS ANGELES for equitable apportionment of the)
cost of providing certain grade separations and) Application
viaduct at Aliso Street and the Los Angeles) No. 21600.
River in said City of Los Angeles.)

RAY L. CHESEBRO, City Attorney, by JOHN W. HOLMES,
Deputy City Attorney, for Applicant.

ROBERT BRENNAN, for The Atchison, Topeka and Santa
Fe Railway Company.

FRANK KARR, for Pacific Electric Railway Company.

WOODWARD M. TAYLOR, for the Los Angeles Railway Corp.

E. E. BENNETT, for the Los Angeles & Salt Lake Railroad
Company and Union Pacific Railroad Company.

FRANK B. DURKEE, for the Department of Public Works of
the State of California.

WAKEFIELD, Commissioner:

O P I N I O N

In this proceeding the City of Los Angeles seeks an order approving and requiring a grade separation between Aliso Street and the tracks of The Atchison, Topeka and Santa Fe Railway Company, located on the west bank of the Los Angeles River, and the tracks of the Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company (hereinafter sometimes referred to as Union Pacific), located on the east bank of the Los Angeles River, and also apportioning the cost of said separation between the various interested parties.

Public hearings on this proceeding were held at Los Angeles on April 27th and September 13th, 1938.

Pacific Electric Railway Company's interurban double-track line occupied the center of Aliso Street in the vicinity of the Los

Angeles River. This double-track line departs from Aliso Street to the company's private right of way to the north of Aliso Street at a point about one hundred and fifty feet east of Mission Road. The grade crossings involved in this proceeding consist of the following:

- (a) The grade crossing of Aliso Street and Pacific Electric Railway Company's track with Centor Street.
- (b) The grade crossing of Aliso Street and the tracks of Pacific Electric Railway Company with the tracks of The Atchison, Topeka and Santa Fe Railway Company, located on the west bank of the river, and consisting of two main line tracks, one side track and a spur track located two hundred thirty feet to the west of the west bank of the Los Angeles River.
- (c) The grade crossing of Aliso Street and Pacific Electric Railway Company's tracks with the tracks of the Union Pacific Railroad located on the east bank of the Los Angeles River and consisting of one main line track, two side tracks, and one interchange track with Pacific Electric Railway Company.
- (d) The grade crossing of Pacific Electric Railway Company's double-track line with the intersection of Aliso Street and Mission Road. At this point the improvement will consist of a three-level separation, namely:
 - (1) A low level driveway along Mission Road under the present intersection of Mission Road and Aliso Street, to accommodate through traffic along Mission Road.
 - (2) Common intersection between Mission Road and Aliso Street at approximately the present level, to accommodate traffic along Aliso Street and Ramona Boulevard and the interchange of traffic between these two highways and Mission Road.
 - (3) A viaduct over the entire intersection, carrying Pacific Electric Railway Company's tracks.
- (e) The grade crossing of Pacific Electric Railway Company's double-track line with the north half of Ramona Boulevard, which is a continuation of Aliso Street to the east, at a point about one hundred feet east of the east line of Mission Road.

It is proposed to effect these separations by elevating Aliso Street and the Pacific Electric tracks. The grade of Aliso Street and these tracks will be constructed at a common level to a point on the east bank of the Los Angeles River. At this point

the grade of Aliso Street and that of The Pacific Electric tracks will depart by depressing the grade of Aliso Street to meet the present grade of Mission Road. The tracks of Pacific Electric Railway Company are to be continued on an elevated structure to the east of the Los Angeles River over Mission Road and the north half of Ramona Boulevard to the company's private right of way to the northeast thereof.

The improvement also will involve reconstructing the Aliso Street bridge over the Los Angeles River to a higher level, to meet the new grade line of Aliso Street. The general plan of effecting this project is shown on applicant's Exhibits Nos. 2, 3, and 5. It is estimated that the entire project will cost something in excess of \$2,000,000.

The record shows that Aliso Street, in addition to carrying an important interurban line of Pacific Electric Railway Company, accommodates a large volume of vehicular traffic - in fact, it may be properly stated that Aliso Street is now one of the most important highway arteries leading to the east of the business section of Los Angeles which crosses the Los Angeles River. The evidence also shows that, under prevailing conditions, there is serious traffic congestion along Aliso Street within the limits of the proposed project. This congestion is accompanied by the attendant hazard to vehicular traffic. The importance of Aliso Street as a highway artery will increase with the opening of the new Los Angeles Union Passenger Terminal, located to the north of Aliso Street and east of Alameda Street. Exhibit No. 6 shows that there is a tentative plan to extend Aliso Street west to a connection with Sunset Boulevard, which, if effected, will make Aliso Street one of the most important highway arteries in the City of Los Angeles.

At the hearing on September 13, 1938, the Commission was advised that the parties had tentatively reached an agreement on the question of apportionment of cost and a general plan of procedure in effecting this separation and requested that the matter be continued until November 2, 1938, for further hearing unless, in the meantime, the parties had filed with the Commission a stipulation providing for the apportionment of cost and the general conditions under which the separation would be effected; if, in the opinion of the Commission, this filing should justify the issuance of an order, such an order would be entered by the Commission, based upon the record thus far adduced, including the stipulation which was to become a part of the formal record.

Such a stipulation has now been filed with the Commission, which shows that the parties are in agreement on apportionment of cost and the general plan of procedure in effecting this project. The stipulation provides further that the parties will enter into a formal agreement covering the detailed program of how the various phases of the work will be carried out and how the structure shall be maintained, such agreement to be filed with the Commission for its approval, when it is finally executed by all parties.

It is further understood and agreed that the City of Los Angeles will prepare detailed plans for this entire project which, when completed and approved by the carriers involved, will be filed with the Commission for its approval.

It is apparent from this record that the Aliso Street grade crossing situation involved herein presents an unsatisfactory condition from the standpoint of both traffic congestion and hazard and that the proposed plan of separation will allow the traffic to move freely without the attendant traffic interference which now obtains. It is concluded that the Commission should at this time

enter an order approving the proposed plan of grade separation and apportion the expenses in accordance with the provisions set forth in the said stipulation.

The following form of Order is recommended:

O R D E R

Public hearings having been held on the above-entitled proceeding and the parties having reached an agreement as to the method of effecting this separation and the apportionment of the cost of same, as evidenced by the stipulation, and basing this Order upon this agreement and the stipulation;

IT IS HEREBY ORDERED that:

I. The City of Los Angeles is hereby authorized to construct a viaduct, by carrying Aliso Street and the Pacific Electric Railway Company's tracks over the tracks of The Atchison, Topeka and Santa Fe Railway Company and Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company, substantially in accordance with the plans filed in this proceeding (Exhibits Nos. 2, 3, and 5).

II. The cost of construction of said viaduct, including the acquisition of right of way, changes in tracks and yards of the railroads on the east and west banks of the Los Angeles River, and all other costs incurred in connection with the acquisition and construction of the Aliso Street viaduct, shall be allocated and paid as set forth in the hereinabove-mentioned stipulation, as follows:

*77.59% by the City of Los Angeles;

34% of 22.41% by The Atchison, Topeka & Santa Fe Railway Company;

42% of 22.41% by the Pacific Electric Railway Company;

24% of 22.41% by the Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Co., collectively.

* The portion of the cost of the project hereinabove allocated to the City of Los Angeles may be paid either in total by the City of Los Angeles or in part by any other public agency or agencies.

III. (a) When the agreement referred to in the foregoing Opinion is executed, covering the obligations of the parties regarding the acquisition and construction of said Aliso Street viaduct, two copies thereof shall be filed with the Commission for its approval.

(b) When plans for the said Aliso Street project are prepared and approved by the interested parties, a copy of the same shall be filed with the Commission for its approval.

IV. Within six (6) months after the completion of the Aliso Street viaduct, the City of Los Angeles shall file with the Commission a completion report, showing the total cost of such work and the quantities of material used or moved, the labor charges thereon and such other expenses as may have been incurred, and setting forth the respective shares of the total costs that have been allocated to the various parties required by this order to share in the total cost of the project.

V. During construction only, side clearances of seven and one-half feet and overhead clearances of eighteen feet may be maintained, provided train crews are notified thereof by either bulletin or train order, and provided, further, that trains do not exceed fifteen (15) miles per hour when moving through said impaired clearances.

VI. The Commission reserves the right to make such further orders in this proceeding as to it may seem right and proper.

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at Los Angeles, California, October 3rd 1938.

Rafaela
Leon
Frank
Ray
Commissioners