

ORIGINAL

Decision No. 36415

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LOS ANGELES & SALT LAKE RAILROAD)
 COMPANY and its lessee, UNION PACIFIC)
 RAILROAD COMPANY, for an order direct-)
 ing the physical closing of crossing) Application No. 25169
 at grade of Lexington Avenue, Pico,)
 Los Angeles County, California, over)
 the tracks of applicants.)

MALCOLM DAVIS, for applicants.

J. E. O'CONNOR, County Counsel, by
ERNEST R. FURDUM, protestant.

BY THE COMMISSION:

O P I N I O N

Los Angeles & Salt Lake Railroad Company and its lessee,
 Union Pacific Railroad Company, jointly apply for an order direct-
 ing the physical closing of the crossing at grade of Lexington
 Road, Pico, Los Angeles County, with the tracks of applicants.
 The crossing is officially designated as Crossing No. 3-9.8.

A public hearing was held by Examiner Gannon at Los
 Angeles on December 8, 1942.

It is alleged by applicant that public convenience and
 necessity require the closing of said crossing because of its
 dangerous condition and because of possible interruption to the
 flow of troop movements and defense materiel.

Lexington Road is about one mile in length extending in
 a southerly direction from Gallatin Road to Whittier Boulevard.
 It crosses the Union Pacific tracks at a point approximately .1
 mile north of Whittier Boulevard and .2 mile west of the crossing

at Rosemead Boulevard in the general area between Pico and Montebello. Should the crossing be closed to traffic, there would be available an underpass at Whittier Boulevard and another at Rosemead Boulevard, the former 1300 feet west and the latter 1200 feet east. West of Lexington Road, between Beverly Boulevard and Whittier Boulevard, is an area of farm lands and orange groves, with only three houses. East of Lexington Road, the situation is much the same, though there appear evidences of a subdivision under development.

Applicants' chief witness testified that the physical conditions prevailing at the crossing made it dangerous, though there was no record of any accident for the past year. The crossing is paved over the main and passing tracks and is protected by an automatic wigwag at the southeast corner and by a standard crossing sign at the northwest corner. Approach to the track from both directions is over a 2 per cent grade.

The view of the crossing from three directions is badly obstructed by orange groves, and from the fourth by a house and garage. In the opinion of the witness the potential hazard outweighed the public necessity for the crossing.

Traffic count for a typical day showed that 240 automobiles, 40 trucks, 2 school buses and 7 bicycles had made use of the crossing. The permissible speed for trains is 90 miles for the streamliner, 70 miles for other passenger trains and 45 miles for freight trains.

The application is opposed by the county of Los Angeles. Testimony was offered by the engineer of the Planning Commission who stated that Lexington Road is an important highway from an

industrial point of view. The position of the county is that there exists no necessity for closure and that the element of danger is remote. Moreover, it was urged that Lexington Road has been selected as a secondary highway for county travel and the elimination of this particular crossing might interfere with the development of the highway planning project of the Planning Commission. While the county was not willing to withdraw its objection, it did not seriously question the necessity of closure as a means of speeding up the war effort.

As we review the record herein, it appears that public convenience and necessity require the physical closing of the crossing hereinabove described and the order which follows will so provide.

O R D E R

The above application having been filed, a public hearing having been held, and the Commission now being fully advised,

IT IS HEREBY ORDERED that Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company, are authorized to effectively close, until further order of the Railroad Commission, the existing public grade crossing over tracks of applicants at Lexington Road, Pico, California, and designated as Crossing No. 3-9.8.

The effective date of this order shall be twenty (20)

days from the date hereof.

Dated at San Francisco, California, this 7th day
of February, 1943.

Francis J. Adams
M. H. M.
James F. Adams
Richard K. Adams
Thomas Adams
COMMISSIONERS