

ORIGINAL

Decision No. 40858

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pacific Freight Lines, a corporation,)
Complainant)

vs.)

Case No. 4835

City of Vernon, a municipal corpora-)
tion, City of Los Angeles, a municipal)
corporation, Pacific Electric Railway)
Company, a corporation, Southern)
Pacific Company, a corporation,)
Defendants.)

In the Matter of the investigation on)
the Commission's own motion into the)
adequacy of existing protection at)
certain grade crossings of Alameda)
Street and tracks of Southern Pacific)
Company; the necessity for additional)
protection, etc., of signals, etc.)

Case No. 4899

Gordon & Knapp, by Hugh Gordon and Sanford A. Waugh)
for Pacific Freight Lines, complainant. Thomas V. Cassidy, City)
Attorney, by Edward R. Young and E. L. Searle, for the City of)
Vernon; R. E. Wedekind for Southern Pacific Company and Southern)
Pacific Railroad Company; E. L. H. Bissinger for Southern Pacific)
Company, Southern Pacific Railroad Company, and Pacific Electric)
Railway Company; Roger Arnebergh for the City of Los Angeles,)
defendants. R. B. Cassidy for Public Utilities Commission.)

O P I N I O N

Case No. 4835 involves a complaint by Pacific Freight Lines, a California corporation, having its principal place of business at 2501 Alameda Street, in the City of Los Angeles, against four named defendants: (1) the City of Los Angeles, (2) the City of Vernon, (3) Pacific Electric Railway Company, a California

corporation having its principal place of business at 6th and Main Streets, Los Angeles, and (4) the Southern Pacific Company, a foreign corporation having its principal place of business at 65 Market Street, San Francisco, California. Complainant, a common carrier by motor vehicle, allegedly employing about 600 persons, uses Alameda Street as a thoroughfare for its trucks and other vehicles operated between its yard and outside points. Complainant's yard is located on the southwest corner of the intersection of 24th and Alameda Streets in Los Angeles, which streets form the westerly part of the intersection. The easterly part of the intersection is formed by 25th and Alameda Streets in Vernon.

The above described intersection marks the northwest corner of the City of Vernon. Specifically, the northern boundary of that city is a line parallel to, and some 25 feet north of, 25th Street, and the western boundary is a line near the center of the west roadway of Alameda Street. This last-named street is one of the original highways between Los Angeles and the harbor. In the area hereunder consideration, the Southern Pacific Company operates a double track line at grade along a 30-foot right of way which is unpaved except at intersections, and which runs along Alameda, a few feet east of the center of the street. This results in a divided highway the easterly roadway of which is approximately 30 feet in width and the westerly roadway about 47 feet in width.

Thus the intersection involved in this case consists of Alameda Street and the double tracks of the Southern Pacific Company running northerly and southerly, which street and tracks intersect with 24th Street in Los Angeles and 25th Street in Vernon, both of which streets run easterly and westerly.

North of this intersection, at a point about 300 feet from the northeast corner of complainant's property, the Pacific Electric Railway Company maintains a double track running easterly and westerly, which tracks cross both Alameda Street and the tracks of the Southern Pacific Company at grade.

The Southern Pacific tracks along Alameda Street and the Pacific Electric tracks crossing them, as above described, are both used for the movement of freight cars, locomotives, and trains. Such use is frequent and assertedly essential to the operations of each railroad and the industries served.

Complainant alleges that the aforementioned grade crossings are not protected by adequate protective devices and are not operated in a safe manner, resulting in congested traffic and dangerous conditions. Because its principal gate is near the afore-described intersection, complainant contends that its vehicles and employees are hindered in entering or leaving the yard and, further, are subjected to tremendous hazards. It is complainant's prayer that the defendants be required to install adequate signaling devices and to operate the described crossings in a safe manner.

Case No. 4899 results from an order of this Commission, dated June 10, 1947, as amended July 22, 1947, instituting, on the Commission's own motion, an investigation and public hearing of the allegedly undue hazards which may exist at the following grade crossings along Alameda Street:

<u>Crossing No.</u>	<u>Location</u>
B G 485.6	Alameda & 25th Street in Vernon (24th Street in L.A.)
B G 486.0	Alameda & 38th Street in Vernon (41st Street in L.A.)
B G 486.3	Alameda & Vernon Avenue
B G 487.1	Alameda & 55th Street

All the above-listed crossings are on that portion of Alameda Street which lies between the Cities of Los Angeles and Vernon.

These two cases were consolidated for hearing and a public hearing was held in Los Angeles on August 5 to 8, inclusive, 1947.

At the hearing three expert witnesses, two engineers of the Public Utilities Commission, and the Principal Traffic Engineer for the City of Los Angeles, testified as to the inadequacy of the present protective devices at the four crossings involved in these two cases. This conclusion was reached as a result of various studies, of the particular crossings here concerned. The testimony showed that one of the Commission engineers was a witness in a proceeding before this Commission in 1939, which proceeding resulted in a permissive order authorizing installation of certain recommended types of signals at the four crossings here concerned. ⁽¹⁾ While this proceeding was later reopened and subsequently dismissed, ⁽²⁾ due to changed conditions resulting from the war emergency, it indicates a prior consideration by this Commission of the grade crossings under consideration, and a study of these crossings by one of the Commission engineers who testified in the instant case.

(1) Decision No. 32202, dated August 1, 1939, on Case No. 4389, 42 CRC 59.

(2) Decision No. 36263, dated March 30, 1943, on Case No. 4389.

The other Commission engineer presented testimony as to a conference held October 23, 1946, by representatives of the Commission, the interested railroads, and various investigators in the area, which conference had for its purpose the consideration of adequate protective devices at the four grade crossings involved in these proceedings. A second conference was held on November 22, 1946, between representatives of this Commission and Mr. John B. Leonis, the mayor of Vernon. As a result of these conferences a suggested agreement was drawn up covering the installation of safety signals at the four crossings along Alameda Street. This agreement, which was received in evidence as Exhibit No. 4, was signed by a representative of the City of Los Angeles, a representative of the County of Los Angeles, and a representative of the Southern Pacific Company. Although efforts were made to secure the signature of a representative of the City of Vernon, they were unsuccessful.

This testimony shows another attempt on the part of the Commission to arrive at some solution of the problem of safety at grade crossings along Alameda Street and, also, indicates that the Commission engineers, in another instance, had made a further study of this matter.

Other testimony presented by the Commission engineers includes Exhibit No. 5 which is a chart graphically illustrating the proposed location of the contemplated signals, and Exhibits 6 to 10, inclusive, which are tabulations of accidents that have occurred at the grade crossings under consideration. These tabulations show that there have been frequent accidents at each of the crossings.

It was the expressed opinion of both the Commission engineers that the existing protective devices are inadequate and that public safety requires the installation of adequate traffic control devices at each of the four grade crossings here under consideration.

The Principal Traffic Engineer of the City of Los Angeles presented studies and charts, Exhibit 11, made under his supervision, showing collisions which took place during the period from June 10, 1944, to June 10, 1947, in those portions of the four crossings within the City of Los Angeles. He also presented charts received in evidence as Exhibit 12, showing studies made of the flow of traffic at each of these crossings. This testimony indicates that each crossing is heavily traversed by vehicular traffic and that there have been frequent accidents. It was the opinion of this witness that the existing protective devices are inadequate and, further, that the public safety requires the installation of improvements as proposed by the Commission's engineer and described in Exhibits Nos. 4 and 5. This witness also estimated the cost of furnishing and installing equipment, cable, conduit, and painting in connection with the proposed signaling devices. These costs, detailed in Exhibit No. 13, are summarized as follows:

25th & Alameda Streets (24th Street in Los Angeles)	\$2,681.95
41st & Alameda Streets (38th Street in Vernon)	3,394.28
Vernon & Alameda Streets	3,443.70
55th & Alameda Streets	<u>3,128.40</u>
Estimated total cost	\$12,648.33

Exhibit No. 14, presented by a safety engineer in the employ of the City of Los Angeles, is an estimate as to the costs of flaring the curbs adjacent to the Southern Pacific right of way

at each of the four intersections, and also of paving 250 feet of the right of way south of the intersection of 25th and Alameda.

These costs are set out as follows:

25th & Alameda Streets, cost of curbs and paving the right of way for 250 ft.	\$4,671.80
41st Street & Alameda and 38th Street & Alameda, cost of curbs	890.80
55th Street & Alameda, cost of curbs	682.20
Total	<u>\$6,254.80(3)</u>
plus 15% for engineering and incidentals	<u>937.20</u>
Total cost	\$7,192.00(3)

The testimony of various public witnesses was presented on behalf of the complainant, Pacific Freight Lines. These witnesses consisted of individuals who were employed in areas which required them to traverse one or more of the crossings along Alameda Street. The preponderance of their testimony indicated that conditions at each of the four crossings were hazardous and that traffic experienced unwarranted delays because of the lack of adequate traffic controls. A witness for Pacific Freight Lines presented motion pictures, the film of which was received in evidence as Exhibit No. 25, which pictures show congested conditions at each of the crossings under consideration. Also, a witness for the City of Los Angeles presented photographs, Exhibits Nos. 15 to 24, inclusive, which photographs purport to show crowded and hazardous conditions at these intersections.

Witnesses for the railroad companies presented testimony as to the train and car movements at the various intersections and also as to the use of sidetracks to connect main tracks with

(3) Exhibit No. 14 shows the figures as set out, but contains an error in addition. The correct figures should be:
Total - \$6,244.80, and Total cost - \$7,182.00.

various companies along Alameda Street. One of these witnesses testified that signals similar to those proposed in this proceeding are in operation at other points on the Southern Pacific railroad. Such signals have proved to be satisfactory. Another railroad witness pointed out that it would not be practicable to pave in the railroad right of way inasmuch as this paving would allow motor vehicles to drive along and over the railroad tracks and this would seriously hinder rail operations. It was also testified that it would not be practicable to switch these freight cars at night inasmuch as the industries do not have facilities to receive them at all hours. A third railroad witness presented estimates as to the cost of installing the proposed signals. These estimates, detailed in Exhibits Nos. 35 and 36, are summarized as follows:

Installation of Signals

25th & Alameda Streets (24th St. in L.A.)	\$ 7,620.00
38th & Alameda Streets (41st St. in L.A.)	10,221.00
Vernon Avenue & Alameda Street	10,956.00
55th & Alameda Streets	<u>13,695.00</u>
Total	\$42,492.00

Cost of repairing track areas and installing necessary curbs and paving in connection therewith,	\$ 4,783.00
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From the above two estimates it will be noted that the railroad witness's estimate as to total cost of installing these signals would be \$47,275.

The City of Vernon presented a witness who is president of a lumber company at 41st and Alameda. This witness stated that his company operates a fleet of trucks and that he is familiar with Alameda Street, having been in business there for over thirty

years. He testified that the traffic was subjected to long delays under the present arrangements and that, in his opinion, the solution would be to lower the tracks to street level and pave over the railroad right of way thereby permitting motor vehicles to travel along the railroad tracks.

It is clear from the evidence of record, that there is a need for the installation of adequate traffic control devices at four intersections along Alameda Street. While there was some testimony indicating the desirability of paving the railroad right of way, this testimony was counteracted by other witnesses who thought this would prove unsatisfactory, and further, by the testimony indicating an immediate and urgent need for some solution. One of the Commission's engineers presented testimony, which was not controverted, and which indicated that the paving of the railroad right of way would undoubtedly increase the motor vehicle capacity of the highway but, also, it would create greater hazards as well as entail a very substantial expenditure of money. Furthermore, the proposed signals would, in the opinion of this witness, still be necessary regardless of whether or not the railroad right of way is paved. The testimony indicated that the installation of the signals, without paving the right of way, would not hinder a future paving of the right of way.

The City of Vernon contended at the hearing, and also in a brief filed after the hearing, that the Public Utilities Commission does not have jurisdiction over the City of Vernon in either of the instant cases. We hold that inasmuch as this is a matter involving the public safety at grade crossings, this Commission does have jurisdiction. We cannot, because of a disagreement between the parties, permit the continuance of a situation which imperils

the public safety at crossings at grade of a publicly used roadway and the tracks of a railroad subject to the jurisdiction of this Commission.

We therefore conclude from this record that the present protective devices are inadequate and that public convenience and public safety require the installation of satisfactory traffic control devices at the four intersections involved in this case.

A review of the evidence discloses that there was no opposition to the particular types of signaling and safety devices proposed, the opposition running rather to a substitute plan of paving the street, plus the installation of signal devices and, also, to a challenge of the jurisdiction of the Commission. Both the City of Los Angeles and the Southern Pacific Company are agreeable to the requirements contained and provided for in the order following this opinion. However, since the City of Vernon has made objections it becomes necessary to enter a mandatory order herein.

O R D E R

A complaint having been filed in Case No. 4835, the Commission having instituted an investigation on its own motion in Case No. 4899, the matters having been consolidated and a public hearing having been held thereon, the matters having been submitted, the Commission being fully advised in the premises,

IT IS HEREBY FOUND that the existing protective and traffic control devices now located at the several grade crossings and intersections more particularly described in the above opinion do not afford adequate protection to the public;

that each of said crossings and intersections is unduly hazardous, and that public safety, necessity, and convenience require the installation and synchronization of adequate protective safety and traffic signaling devices.

NOW, THEREFORE, good cause appearing,

IT IS HEREBY ORDERED that the Southern Pacific Company, the City of Los Angeles, and the City of Vernon be, and they hereby are, directed to construct and install a grade crossing protective signaling system consisting of the following items of improvement:

1. Installation of:
 - (a) Four traffic signals and one wigwag at 25th Street
 - (b) Six traffic signals and two wigwags at 38th Street
 - (c) Six traffic signals and two wigwags at Vernon Avenue
 - (d) Six traffic signals and two wigwags at 55th Street
2. Installation of directional track circuits to control wigwags and signals at each of the four crossings involved, together with synchronized control of such signals; such installation to be on the basis of single-track (either-way) operation on each track.
3. Construction of flared curbs to provide clearance for the erection of wigwags and traffic signals adjacent to the track section at each of the four crossings involved.
4. Construction incident to the synchronization of the traffic signals at 25th Street with the manually operated gates at the grade crossing of Pacific Electric Railway Company's Butte Street Yard Line tracks across Alameda Street, located about 250 feet north of 25th Street.
5. Preparation of the track area to receive pavement for a distance of approximately 250 feet south of the south line of 25th Street.
6. Construction of an asphalt-concrete pavement over the track area described in paragraph 5.

IT IS FURTHER ORDERED that materials are to be supplied and work performed as follows:

1. Southern Pacific Company

Furnish materials and perform all work within the area curbed off for rail operation, including installing and/or relocating any existing wigwags or railroad signals, but excluding materials and placing the pavement referred to in paragraphs 5 and 6 above;

2. City of Los Angeles

Furnish materials and install:

- (a) all traffic signals and circuits outside the curbed area for rail operation, exclusive of wigwag signals. This item to include all traffic signals located in the City of Los Angeles;
- (b) flared curbs to provide a location for wigwags and traffic signals at each of the four crossings involved;

3. City of Vernon

Furnish materials and place pavement along the track area referred to above from 25th Street to a point approximately 250 feet south thereof.

IT IS FURTHER ORDERED that each of the parties hereinabove ordered to furnish material or perform work shall keep an itemized record of their actual out-of-pocket costs which shall include superintendence, materials handling charges, freight and other transportation charges, insurance, and taxes, but without overheads or other accounts which cannot be definitely assigned as out-of-pocket cost to the party providing the materials and performing the actual work, and that these costs shall be borne equally by the Southern Pacific Company, the City of Los Angeles, and the City of Vernon. Each of the above three shall maintain, and make available to the other parties, an itemized statement of the actual out-of-pocket costs incidental to the furnishing of material and the performance of actual work, and any disagreement

as to the inclusion of any item, or the amount of the same as properly chargeable to this improvement shall be referred to the California Public Utilities Commission for determination.

IT IS FURTHER ORDERED that the parties shall have the following responsibilities as to the maintenance of the facilities involved:

1. Southern Pacific Company

to maintain all track circuits and wigwags and that portion of the pavement between lines two feet outside the outside rails from the south line of 25th Street south a distance of approximately 250 feet;

2. City of Los Angeles

To maintain all traffic signal facilities within the City of Los Angeles;

3. City of Vernon

To maintain all traffic signal facilities within the City of Vernon.

IT IS FURTHER ORDERED that the above-named parties shall complete the construction work required by the terms of this order within ninety (90) days from the effective date hereof. Should such compliance prove to be impossible because of materials shortages, or for any other good and valid reason, the time for compliance may be extended upon proper application and sufficient showing before this Commission.

Within fifteen (15) days from the date of completion of said construction work, said parties shall file with this Commission a full and complete report concerning the work performed, and describing in detail the protective and safety devices installed.

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

Dated at Los Angeles, California, this 28th day of October, 1947.

Harold P. Kula

Justin J. Casner

P. F. Dunderland

Kenneth Potter
Commissioners