

Decision No. 46976

ORIGINAL

BEFORE THE PUBLIC UTILITIES 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 author-
izing the construction, maintenance
and operation of certain railroad
tracks across Henry Ford Avenue and
Pennington Avenue in the City of
Los Angeles, County of Los Angeles;
State of California.

Application No. 33074

O P I N I O N

Los Angeles & Salt Lake Railroad Company and its lessee, Union Pacific Railroad Company, corporations of the State of Utah, request permission of this Commission to construct, maintain and operate, in the Wilmington district of the City of Los Angeles, spur tracks over and across Henry Ford Avenue and Pennington Avenue, at locations shown on the map attached to this application and marked Exhibit "A".

Said Exhibit "A" shows the proposed crossing numbers and the location of the said streets, property lines, tracks and buildings adjacent thereto.

It is alleged that, because of the physical and geographical situation, it is impracticable to separate the grades of said tracks; that the construction and operation of said crossings are necessary to provide railroad service, by applicants, in the Los Angeles Harbor area; that a subsidence of land in the adjacent area requires the relocation and construction of the said spur tracks at the

(1)
indicated location .

A Commission engineer made a field inspection and has reported favorably upon applicants' request.

Applicants also request that this Commission make its finding that Henry Ford Avenue is not a public highway but is a private highway under the jurisdiction of the Board of Harbor Commissioners of the City of Los Angeles, and that the Commission has no jurisdiction with respect to the construction and maintenance of railroad tracks across said Henry Ford Avenue.

Section 1202 (a) of the Public Utilities Code provides as follows:

"The Commission has the exclusive power:
(a) To determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or vice versa, subject to the provisions of Sections 1121 to 1127, inclusive, of the Streets and Highways Code so far as applicable."
(Emphasis added.)

As it is common knowledge that Henry Ford Avenue is a "publicly used road or highway", it is not necessary, for the purpose of this proceeding, to determine whether Henry Ford Avenue is a public or private road, highway or street.

Authority to construct said spur tracks will be granted.

A public hearing is not necessary.

(1) The tracks have been constructed in accordance with, and conform to, Commission's specifications, and the crossings are protected by signals as set forth in the order hereinbelow. It appears that the construction was due to an emergency and applicants' belief that the change was merely a relocation and alteration of existing crossings.

O R D E R

Application having been made, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that Los Angeles & Salt Lake Railroad Company and Union Pacific Railroad Company be, and they hereby are, authorized to construct spur tracks as follows:

At grade across Pennington Avenue to be identified as Crossing No. 3A-22.26-C. Protection shall be by two Standard No. 8 flashing light signals (G.O.No. 75-B).

At grade across Henry Ford Avenue to be identified as Crossing No. 3A-22.53-C. Protection shall be by two standard No. 3 wigwags (G.O. No. 75-B).

At grade across Henry Ford Avenue to be identified as Crossing No. 3A-22.38-C. Protection shall be by two Standard No. 4 side-of-street type wigwags (G.O.No. 75-B).

All crossings provided for in this order shall be constructed equal or superior to Standard No. 2 of General Order No. 72, and of width to conform to the portions of the avenues now graded, with tops of rails flush with the roadways and grades of approach not exceeding three per cent. Crossings shall be constructed at the locations as more specifically shown by Exhibit "A" attached to the application.

Applicant is also authorized to abandon and retire Crossings Nos. 3A-22.31-C and 3A-22.40, the latter crossing being erroneously shown on Exhibit "A" attached to the application as Crossing No. 3A-22.40-C.

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

Dated at San Francisco California, this 8th day of April, 1952.

[Signature] President
Justin J. Craver
Samuel P. Kula
[Signature]
[Signature]
 Commissioners