

ORIGINAL

Decision No. 47124

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of SOUTHERN PACIFIC COMPANY for)	
an order authorizing the construc-)	
tion of its so-called Los Angeles)	Application No. 32969
By-Pass Line across certain streets)	
and highways between Puente and)	
Studebaker, in Los Angeles County,)	
California, in the locations more)	
particularly described herein.)	

E. J. Foulds, by Randolph Karr, for applicant.
 Frank R. Halterman and M. W. Lippman, by Charles T. Lester,
 F. J. Russell, by D. M. Leigh Taylor, Herbert Millington Miller,
 H. C. Bonham, and B. F. Hersom, in propria personae, protestants.
Hodge L. Dolle, James W. Greathead, and R. B. Pegram, for the
 State Department of Public Works, C. W. Sprotte, for the Los
 Angeles County Road Department, John P. Commons, for Los Angeles
 County Regional Planning Commission, H. F. Holley, for Los Angeles
 County Grade Crossing Committee, Maude Gray, secretary, Norwalk
 Chamber of Commerce, D. J. Williams, in propria persona, interested
 parties.

O P I N I O N

Southern Pacific Company seeks authority to construct, maintain and operate railroad tracks across certain highways and streets by means of crossings at grade or separated grades between Puente, on the north, and Firestone Boulevard, on the south.

Public hearings were held in Los Angeles on April 8 and 18, 1952, before Examiner Rogers, and the matter was submitted.

Fourteen highway crossings are involved in the application. As justification for the authority sought in this proceeding, applicant has made reference to a past order of this Commission

in which the Southern Pacific Company was directed to make changes in its operating practices along Alameda Street in the City of Los Angeles.¹ This latter decision ordered applicant to cease all passenger and freight train operations over Alameda Street between Collogo Street and 15th Street, and to perform switching operations only during restricted hours. These restrictions were subsequently modified, with the proviso that the authority granted should become void unless the applicant either proceeds or submits evidence of intention to proceed with the installation of new facilities, or the rearrangement of existing facilities, to make possible operations in accordance with the terms of said Decision No. 18593.² The so-called by-pass line here involved will carry freight only and will enable the applicant to handle shipments from the east to the Los Angeles industrial and harbor areas without passing over the portion of Alameda Street above mentioned, and has been authorized by the Interstate Commerce Commission.³

Applicant's proposals are shown in fourteen drawings attached to the application and made a part thereof. As to three of the separated crossings, namely, Whittier Boulevard, Washington Boulevard and Anaheim-Telegraph Road, and four grade crossings, namely, Smith Avenue, Pioneer Boulevard, Florence Avenue and Orr and Day Road, there are no controversies and the application will be granted. These crossings are identified by mile post markers Nos. 503.9 (Whittier Boulevard), 502.4 (Washington Boulevard), 500 (Smith Avenue), 499.7 (Anaheim-Telegraph Road), 499.1 (Pioneer Boulevard), 499 (Florence Avenue), and 498.3 (Orr

1 Decision No. 18593, dated July 8, 1927, on Application No. 3346 (30 C.R.C. 151).

2 Decision No. 40975, dated December 1, 1947, on Application No. 26634.

3 Exhibit No. 1 I.C.C. - Docket No. 17152.

and Day Road), on Exhibit No. 3 herein.

Anaheim-Puente Road (Crossing No. B-502.4)

The main line track is now protected by two Standard No. 8 Flashing Light Signals (General Order 75-B). The east by-pass track is to be constructed parallel to the existing main line and on the south side thereof, and applicant proposes to shift one of the two flashing light signals south to clear the added track and to retain the present grade of approach of approximately 6 per cent. The applicant agreed to reduce the approach grade to 3 per cent. The Commission's engineer recommended the installation of automatic crossing gates, basing his recommendation on the allegedly increased hazard which will accompany the addition of a second track for slow freight traffic adjacent to the high-speed main line track. The applicant's proposal is to have automatic signals. Trains on the by-pass line will not operate these signals until the slow freight train is close to the crossing. Trains standing on the by-pass line close to the intersection will not start the signals. A train on the main line, however, will activate the crossing signals 20 to 30 seconds in advance of said train. In our opinion, the situation will permit an unduly hazardous condition in which motorists using Anaheim-Puente Road will see a slow or standing train at or near the crossing, will observe the signals and believe that the slow or standing train is responsible for their operation when actually they are being activated by a high-speed train on the main line. Such conditions will tend to produce the "second train" type of accident. This would not be the case with automatic crossing gates. We find that automatic

crossing gates are required in addition to flashing light signals at this intersection, and the order herein will so provide.

Stimson Avenue (existing Crossing No. 3-18.3).

Southern Pacific Company proposes to construct its east by-pass track on the north side of the existing single tracks of the Union Pacific main line, and to shift the northwesterly flashing light signal further north to clear the proposed additional track. The grade of the proposed track has been set forth on the profile of the crossing (Drawing No. B-2620, Sheet 1, page 1, attached to application) at an elevation below that of the present Union Pacific main line tracks. The Commission's engineer recommended that the new track be installed at the same elevation as the adjacent Union Pacific tracks in order that a smooth crossing be provided the public. In view of the relatively light volume of traffic on Stimson Avenue (183 autos in 24 hours), it is our opinion that the two flashing light signals are sufficient for protection at this crossing, and we so find. The suggested change in track elevation is agreeable to the applicant.

Hacienda Avenue (existing Crossing No. 3-17.9).

At present this is a crossing at grade of Hacienda Avenue by Union Pacific's high-speed main line. Southern Pacific contemplates adding a track parallel to this main line on Union Pacific's right of way, north of and three-tenths of one foot lower. This track will join the Union Pacific's main line about 400 feet to the west of the crossing. The protection proposed at this crossing is two Standard No. 8 Flashing Light Signals (General Order 75-B). An assistant transportation engineer of the Commission testified that trains standing on the proposed

parallel track and just east of the crossing will not activate the signals, but a Union Pacific train proceeding on the main line will activate the signals. The situation at this location is similar to that at the Anaheim-Puente Road crossing where motorists intending to cross the tracks will see the Southern Pacific train standing on the parallel track near the crossing and reasonably presume that the activation of the signals is caused by the standing Southern Pacific train, whereas the oncoming Union Pacific high-speed train will be the activating cause. In our opinion, automatic crossing gates, in addition to flashing light signals, are required at this crossing, and the order will so provide. The applicant has agreed to install the parallel track at the same elevation as the existing Union Pacific tracks.

Dunlap Crossing Road (mile post 503.2).

Respecting this crossing, Los Angeles County has requested that the track elevation be lowered four feet if possible in contemplation of a bridge to be constructed across the San Gabriel River immediately west of the crossing. A witness for the applicant company testified that lowering the grade as requested by the County would greatly lessen the capacity of the entire Los Angeles by-pass with a given amount of power. The railroad agreed to lower the elevation eight-tenths of one foot. A representative of the County of Los Angeles stated such lowering would be beneficial. The order herein will provide that the grade at the proposed crossing (Drawing B-2619, Sheet No. 1) be lowered by a minimum of eight-tenths of one foot.

Rivera Road (mile post 501.7).

At this grade crossing applicant proposes two Standard No. 8 Flashing Light Signals (General Order 75-B) as protection. Immediately west of the crossing is a narrow bridge, the uprights of which preclude full visibility of the crossing signals to east-bound motorists. The Commission's engineer recommended that a cantilever-type arm with supplementary flashing lights be placed over the roadway out from the southwesterly signal as an added warning to motorists. Applicant is prepared to add such cantilever signal 16 feet above the pavement. It will be so ordered.

Los Nietos Road Crossing, also referred to as Carpenter Lane (mile post 500.9).

At this "T" intersection crossing applicant proposes Standard No. 8 Flashing Light Signals (General Order 75-B) on Los Nietos Road only. Alburdis Avenue ends at Los Nietos Road at the track crossing. No automatic protection is proposed for vehicular traffic moving north on Alburdis Avenue to Los Nietos Road. Applicant's witness testified that the intersection would appear to require additional protection for vehicular traffic coming from Alburdis Avenue, and the applicant has no objection to such protection being required. One Standard No. 8 Flashing Light Signal (General Order 75-B) on Alburdis Avenue without back lights, and in addition to the proposed warnings on Los Nietos Road, will provide the necessary protection and will be ordered.

Firestone Boulevard (Crossing B-497.7).

Firestone Boulevard runs generally east and west at this point. The existing Santa Ana Branch of the Southern

Pacific Railroad runs generally parallel to and about 450 feet south of Firestone Boulevard. Applicant intends to join the proposed by-pass line to the Santa Ana Branch by constructing a wye track intersection with one curve extending from approximately the northern edge of Firestone Boulevard to an intersection with the Santa Ana Branch west of the proposed Firestone Boulevard crossing, and the other curve extending from approximately the northern edge of Firestone Boulevard to an intersection with the Santa Ana Branch east of the proposed Firestone Boulevard crossing.

At the present time 16,000 automobiles a day pass over Firestone Boulevard at the point of the proposed crossing. Between 200 and 300 loaded freight cars, from 100 to 150 empty freight cars, and approximately 150 freight cars to be interchanged with the Pacific Electric Railway at Los Nietos, will be moved past the point daily. This traffic will be broken into trains of approximately 80 cars each, making five to seven trains. At the permitted rate of speed, 15 miles per hour, each train will require about 3 minutes to complete the crossing. In view of the heavy volume of traffic on Firestone Boulevard, we are of the opinion and find that a separation of grades is required at this crossing.

Applicant has proposed to install a highway overpass at this point, and introduced evidence intended to support its contention that a highway underpass is not practicable. A witness testified that the proposed structure, less the cost of the land necessary for the embankments has been estimated to cost \$480,750, whereas the estimated cost of an underpass is \$1,086,000.

Other than the general statement by a witness for the Division of Highways that an underpass would cost \$605,000 more than an overpass, there is nothing in the record to support the conclusion that an underpass would cost more to construct than an overpass.

Considering modern methods that are used in the construction of a project such as is involved herein, it is difficult to understand why there should be such a differential in the cost of the two types of structure. In this instance it would appear ✓ to us that if there were any differential it would be in favor of the underpass. By law, clearances of but 14 feet are required, ✓ whereas with the overhead highway structure a minimum clearance of 23 feet is necessary. The actual span, whether it be the highway over the railroad or the highway under the railroad, would be ✓ approximately the same, and there should be little or no difference in the cost of these particular portions of the structures. Further than the above we are of the opinion that the damage claims incident to the construction of an underpass would be far less than those which will unquestionably arise by reason of the proposal to construct the overpass.

The Department of Public Works of California requested that the applicant install an overpass rather than an underpass for the reasons that (1) the entire area around the proposed crossing is subject to flooding in a 25-year fluctuation period, (2) it is the policy of the Division of Highways in underpass construction to care for the one-in-25-year flood condition, and (3) in this one-in-25-year flood condition the suggested underpass would be impassable. Providing for this one flood in 25 years is good engineering policy, so a witness stated. He also stated that at the time of such flood, in the area involved,

Firestone Boulevard would be impassable.

A substantial number of property owners and real estate subdividers appeared in opposition to the proposal to construct this crossing at separated grades and were particularly opposed to the proposal that Firestone Boulevard be elevated above the tracks. The record shows that there is a substantial subdivision project located in the area immediately north of Firestone Boulevard and that while as yet all of the lots have not been sold, a great number have been sold and built upon. In connection with the development of this tract, it was the subdividers' intention that a shopping area would occupy that portion adjacent to Firestone Boulevard between Ringwood Avenue and Studebaker Road. It is the opinion of these people that the necessary fill for an elevated structure will seriously depreciate property values in the entire tract.

While we are sympathetic with the Department of Public Works in their desire to economize on the expenditure of public funds, we also believe that the purchasers of homes in the residential area above referred to are likewise entitled to consideration. By its own admission the Division of Highways is primarily concerned with the possibility of a flood which might occur once in 25 years, whereas the residents of the area would be confronted with this man-made barrier daily during the entire time they may elect to remain in the vicinity. Even assuming that a flood does occur once in 25 years, it would not, in our opinion, impose any insuperable barrier to the proposal to construct the separation as an underpass because it is a matter of common knowledge that a great many of the structures in the

Los Angeles area are equipped with pumping installations to take care of the very situation that the Division of Highways appears to fear in this instance. Further than this and as stated above, the record shows that in case there were to occur flood conditions such as those discussed herein, Firestone Boulevard, itself, would become unusable and the blocking of the subway would become a matter of no great import. As to alleged difficulties that might be created by hydrostatic pressure during periods of abnormal rainfall, we are of the opinion that the structure, if properly designed, should successfully resist any potential damage from that source. The paved channel of the Los Angeles River is a good example of what can be and has been done where hydrostatic pressure was a real problem.

Based upon the above conclusions, we are of the opinion that the tracks should be constructed at separated grades at Firestone Boulevard and that the Boulevard should be beneath the tracks and not above them. The following order will so provide.

Applicant agreed to bear the entire cost of all grade crossing structures but demurred to bearing the entire cost of any signal protection other than that proposed in the application. Since applicant has agreed to bear the cost of the grade crossing structures and as the crossing changes and protection are new and for the benefit of the applicant, we are of the opinion and find that all costs of crossing structures and protection should be borne by the applicant, and it will be so ordered.

O R D E R

Public hearings having been held, and the matter having been submitted,

IT IS HEREBY ORDERED that the Southern Pacific Company is hereby authorized to construct, maintain and operate railroad tracks at grade or separated grades across the public streets or highways at the locations shown and as described in Appendix "A" attached and made a part hereof and as shown on Exhibit No. 3 filed in this proceeding, subject to the following conditions:

(1) The crossings shall be identified as shown on said Appendix "A".

(2) The entire expense of constructing the said grade crossings, overpass or underpasses shall be borne by the applicant.

(3) Prior to the commencement of construction of the grade separations authorized herein, applicant shall file with the Commission plans of these separation structures, which plans shall have been approved by the parties involved.

(4) The maintenance of those portions of said crossings at grade between lines two (2) feet outside of the rails, where there are no existing railroad tracks, shall be borne by the applicant.

(5) Maintenance of the grade separations shall be borne in accordance with the terms of an agreement between the parties, copies of which will be filed with the Commission prior to the commencement of construction.

(6) The grade crossings authorized herein shall be constructed to meet the specifications as to widths, types and grades of approach shown on Appendix "A" attached.

(7) Said crossings at grade shall be protected as shown by said Appendix "A". The cost of installation of said protection, and its maintenance thereafter, shall be borne by the applicant.

(8) Prior to the installation of the automatic crossing gates at the two locations specified in Appendix "A", applicant shall file with this Commission, for approval, plans of said crossing protection together with the necessary control circuits.

(9) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossings and of its compliance with the conditions hereof.

(10) The authorization herein granted shall lapse and become void if not exercised within two (2) years from the date hereof, unless further time is granted by subsequent order.

(11) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right.

and proper, and to revoke its permission if, in its judgment, such action is required.

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

Dated at San Francisco, California, this 5th day of May, 1952.

A. J. [Signature]
President
Justus F. Creever
Harold P. Hule
Samuel Potter
John E. [Signature]
Commissioners

APPENDIX "A"

Crossing Number Assigned	Highway Name	Crossing Surface			Tracks Authorized		Protection (G.O. 75B)	
		Standard* (G.O. 72)	Minim. Width (feet)	Max. Approach Grade	Branch	Others	Quantity	Signals
B-502.4	Anaheim and Puente Rd.	2	24	3%	---	1 siding	2	No. 8 FL's. Auto.gates
3-18.3	Stinson Avenue	2	24	2%	1	---	2	No. 8 FL's.
3-17.9	Hacienda Blvd.	2	24	2%	1	---	2	No. 8 FL's. Auto.gates
EKA-503.9-B	Whittier Blvd.		Underpass		1	---		Underpass
EKA-503.2	Dunlap Crossing Road	1	24	3%	1	1 siding	2	No. 1's
EKA-502.4-A	Washington Blvd.		Overpass		1	---		Overpass
BKA-501.7	Rivera Road	2	24	2%	1	---	2	No. 8 FL's. 1 Cantilever Signal
BKA-500.9	Los Nietos Road	2	24	2%	1	---	3	No. 8 FL's.
BKA-500.0	Smith Avenue	2	24	3%	1	1 siding	2	No. 1's
BKA-499.7-B	Anaheim-Telegraph Rd.		Underpass		1	---		Underpass
BKA-499.1	Pioneer Blvd.	2	24	3%	1	---	2	No. 8 FL's.
BKA-499.0	Florence Avenue	2	24	3%	1	---	2	No. 8 FL's.
BKA-498.3	Orr and Day Road	2	24	3%	1	---	2	No. 8 FL's.
BKA-497.7-B	Firestone Blvd.		Underpass		1	1 Wye		Underpass

LEGEND

*Standard shown or superior

FL's. indicates Flashing Light Signals

Auto.gates indicates Automatic Crossing Gates

Cantilever Signal indicates Cantilever arm to which is attached two alternate flashing light heads extended above pavement at sufficient height to clear legal truck height limit.