

ORIGINALDecision No. 47481

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE ATCHISON, TOPEKA)
 AND SANTA FE RAILWAY COMPANY, a)
 corporation, for authority to construct)
 a spur track across Lakme Avenue and) Application No. 33423
 two alleys in the City of Los Angeles,)
 County of Los Angeles, State of)
 California.)

Application of THE ATCHISON, TOPEKA)
 AND SANTA FE RAILWAY COMPANY, a)
 corporation, for authority to construct) Application No. 33424
 a spur track across Sepulveda Boulevard)
 in the County of Los Angeles, State of)
 California.)

Robert W. Walker & Robert B. Curtiss by Robert B. Curtiss and James D. Garibaldi, for applicant. D. M. Llewellyn, for Lomita Square Civic Association, protestant.

O P I N I O N

The above-numbered applications involve a proposal by The Atchison, Topeka and Santa Fe Railway Company, a corporation, to construct an industrial lead track across Lakme Avenue and two alleys in the City of Los Angeles, and across Sepulveda Boulevard in the County of Los Angeles, all of the proposed crossings to be at grade.

A public hearing was held at Los Angeles on June 30, and, by stipulation, the two matters were consolidated for the purpose of hearing as well as for decision.

The record shows that Watson Land Company is the owner of a substantial tract of property (between 400 and 500 acres)

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bounded approximately as follows: Sepulveda Boulevard, Avalon Boulevard, 223d Street, and Wilmington Avenue. Negotiations for the construction of trackage to serve this area have been under way with The Atchison, Topeka and Santa Fe Railway Company for approximately two years. Initially, it is the plan to develop that portion of the property west of the right of way of the Los Angeles Bureau of Water and Power transmission line, consisting of approximately 180 acres, with the development of the remainder to follow at a subsequent date. All of the industries which have been contacted, with the idea of locating within the limits of the tract, are interested in the provision of spur-track facilities. A witness for Watson Land Company testified that in his opinion no railroad other than The Atchison, Topeka and Santa Fe is in position to provide a satisfactory service.

A witness for the Industrial Department of the Long Beach Chamber of Commerce testified that the tract in question is ideally suited for industrial development and that industrial sites are at a premium in the harbor area.

The evidence shows that the railway has spent in excess of \$23,000 for acquisition of the necessary rights of way, and that it is ready to proceed with the construction immediately upon securing the necessary authorization from the Commission.

A witness for the Lomita Square Civic Association appeared in opposition to the proposal, expressing the opinion that the construction, as proposed, would create an unnecessary hazard to the residents of the area south of Sepulveda Boulevard and west of Wilmington Avenue. It was his opinion that the track, constructed on the alignment proposed, might be used for the

storage of cars and that children might be subjected to unnecessary hazards by reason of the attractiveness of any railroad in the immediate vicinity. He expressed the opinion that the tract could be equally well served by the construction of a lead track along the northerly edge of the Watson Land Company property which would connect with Pacific Electric Railway Company's San Pedro line at a point far to the east of the easterly side of the property. The proposed location of such a track is partially shown in red on Exhibit No. 12. Reference to this exhibit will readily show such a route to be more circuitous and that to construct a track in this location would necessitate far more expense than will the one proposed in these two applications. A bridge across the Dominguez channel would be necessary and the track would be extremely remote from that portion of the Watson Land Company's property which it is proposed to develop at this time. He agreed that the area should be developed industrially and that if there were no other way by which the area could be served his organization would offer no objections to the route proposed in these proceedings.

As for the possibility of unnecessary switching of cuts of cars through the area, the record shows that The Atchison, Topeka and Santa Fe Railway Company is the owner of a classification yard approximately 3,100 feet south of Lakme Avenue. All switching would be done in this yard and the cuts of cars made up for through movement over the industrial lead.

Witnesses testified that, initially at least, the movements over the proposed track would not be in excess of two per day.

The Commission recognizes that any grade crossing is a point of potential hazard but, on the other hand, it also recognizes that crossings are frequently necessary in order that proper development of an area may not be stifled.

The main Harbor Branch of The Atchison, Topeka and Santa Fe Railway Company traverses this same general area, and investigation of the accident records fails to reveal any unusual number of accidents along this particular portion of the route. The proposed crossing of Lakme Avenue would merely involve the addition of one track to a crossing now in existence (Crossing No. 2H-26.1). One of the alleys involved exists on paper only and has never been opened to public use. The second alley is open but the volume of traffic utilizing it is extremely small.

As to the proposed crossing of Sepulveda Boulevard a substantially different problem presents itself.

Exhibit 5 is a summarization of a traffic check made on Monday, June 23, 1952, which shows that for the 24-hour period commencing at 9:00 a.m. on that date there were in excess of 13,000 vehicular movements utilizing Sepulveda Boulevard at the point of the proposed crossing. That the volume of traffic is heavy is undisputed, but a witness for the applicant testified that estimates of the cost of a grade separation at this location indicated that the expenditure of approximately \$244,000 would be required. Except for conditions which might prevail during periods of foggy weather, the views at the site of the proposed crossings are what might be classified as good in all directions, and an analysis of the record in this proceeding leads to the conclusion that a crossing at grade, if adequately protected and

lighted, should not be unduly hazardous. That this statement is correct is substantiated by the fact that Sepulveda Boulevard crosses the main Harbor Line of The Atchison, Topeka and Santa Fe Railway Company at a point some distance to the west and that crossing has never experienced any unusual accident record. The Harbor Line also crosses a number of other heavily traveled streets in this same vicinity at grade ⁽¹⁾ and, as stated before, the Commission is disinclined to take any steps which might result in hindering adequate development if facilities can be provided which will not result in undue hazard.

We further believe that proper supervision can so time the rail movements over the crossing as to enable these movements to be made at a time when vehicular traffic is at a minimum.

While the witness for the Lomita Square Civic Association testified that Watson Land Company's property could be served by a spur-track connection from Pacific Electric Railway Company's San Pedro line, the fact remains that there is no application before this Commission for authority to construct such a connection and we therefore must make our determination upon the basis of the record developed in these proceedings.

For the reasons cited in the foregoing opinion, we believe that the crossings in question can be constructed and so

(1) Avalon Boulevard, Figueroa Street, Sepulveda Boulevard, and Western Avenue are all crossed at grade by this track.

protected as to provide a minimum hazard to the traveling public and, predicated upon this opinion, the necessary authority will be granted. A public hearing having been held in these proceedings, the matters submitted and the Commission being fully apprised:

O R D E R

IT IS HEREBY ORDERED that The Atchison, Topeka & Santa Fe Railway Company is hereby authorized to construct a lead track at grade across Lakme Avenue and an alley in the City of Los Angeles and across Sepulveda Boulevard in the County of Los Angeles, at the locations more particularly described in the applications and as shown by the maps attached thereto, subject to the following conditions:

1. The above crossing of Lakme Avenue shall be identified as a portion of Crossing No. 2H-26.1, the east-west alley between Lakme Avenue and Broad Street as Crossing No. 2H-26.3-CD, and Sepulveda Boulevard as Crossing No. 2H-26.5-C.
2. Applicant shall bear the entire construction and maintenance expense.
3. Said crossings shall be constructed equal or superior to Standard No. 2 of General Order No. 72, without superelevation and of widths to conform to the portions of the streets now graded, with tops of rails flush with roadways and with grades of approach not to exceed 2%.
4. Protection shall be as follows:

<u>Crossing No.</u>	<u>Name of Street</u>	<u>Protection</u>
2H-26.1	Lakme Avenue	2 Standard No. 1 crossing signs with background of reflex-reflecting sheet material. (G.O. No. 75-B)
2H-26.3-CD	Alley	1 Standard No. 1 crossing sign. (G.O. No. 75-B)
2H-26.5-C	Sepulveda Blvd.	2 Standard No. 8 flashing light signals (G.O. No. 75-B) and night illumination so placed as to illuminate sides of rail cars which might be occupying crossing.

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Applicant is authorized to construct a lead track across the north-south alley parallel to and between Lakme Avenue and Broad Street at the location described in the application and as shown by the maps attached thereto. Such alley is not now improved at the point of crossing and this authority shall not be construed as authorizing the opening of said alley across the lead track.

Within thirty (30) days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 15th day of July 1952.

A. J. [Signature]
President

Harold [Signature]

[Signature]

Commissioners

Commissioner Justus E. Craemer, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.