

**ORIGINAL**Decision No. 48101

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  
By-Pass Line across certain streets  
and highways between Puente and  
Studebaker, in Los Angeles County,  
California, in the locations more  
particularly described herein.

Application No. 32969

E. J. Foulds and Randolph Karr for applicant.

Gordon, Knapp & Gill by Hugh Gordon and D. M. Leigh Taylor for  
F. J. Russell, protestant, Frank R. Halterman, H. C. Bonham and  
M. W. Lippman by Charles T. Lester, protestants, Herbert Milling-  
ton Miller and B. F. Herson in propria personae, protestants.  
Hodge L. Delle, 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, H. O. Van Petten for Downey Manor Home  
Owners' Association, Judge Charles E. Haas for Roche Canyon  
Improvement Association, and D. J. Williams in propria persona,  
interested parties.

OPINION ON REHEARING

By the application herein, filed with this Commission  
on December 7, 1951, Southern Pacific Company sought authority  
for three highway crossings at separated grades and eleven  
highway crossings at grade on its proposed Los Angeles By-Pass  
Line extending from Puente on the north to its Santa Ana branch  
line on the south, joining the Santa Ana line near the inter-  
section of Firestone Boulevard and Studebaker Road in Los  
Angeles County.

Hearings were held in Los Angeles on April 8 and 18, 1952, and by Decision No. 47124, dated May 3, 1952, the manner of crossing and the type of protection required at each of the fourteen crossings were specified by this Commission. No objection was raised by any party concerning the Commission's order relative to any crossing other than the Firestone Boulevard crossing (Crossing No. BKA-497.7-B) at which point the Commission, by said Decision No. 47124, ordered that the railroad pass over Firestone Boulevard. The described crossing is to be between Studebaker Road on the west and Orr and Day Road on the east. The Southern Pacific Company and the Department of Public Works of the State of California filed separate petitions for a rehearing concerning this crossing only, requesting that an overpass be authorized. These petitions were granted and evidence was presented in Los Angeles on September 3, 4, 29 and 30, and October 8, 9, 10, 15 and 18, 1952, restricted to the sole question of whether the crossing of Firestone Boulevard by the railroad tracks should be via an overpass or an underpass.

All evidence, including that presented at the first two days of hearing relative to the described crossing, has been considered and the matter is ready for decision.

At the outset of the rehearing, the examiner advised the parties that in pursuance of the ruling on the original decision (Decision No. 47124) there would be a separated grade at the crossing and that the issue to be determined was solely whether that crossing should be an underpass or an overpass. The route of the By-Pass Line was specified by the Interstate Commerce Commission by I.C.C. Docket No. 17152.

At the original hearings an assistant to the chief engineer for the Southern Pacific Company testified that the State Division of Highways had taken the position that because of the water conditions at the intersection it would be impossible to construct an underpass.<sup>(1)</sup> He further testified that the cost of an overpass and underpass are about equal, and that all costs of the structure are to be borne by the railroad. The district engineer for District 7 of the California Division of Highways stated that the overpass, details of which are shown by Exhibit 10, would cost \$480,750, and an underpass would cost \$1,068,000. No plans of the proposed underpass were presented as the Division of Highways, so the witness stated, would not agree to an underpass at the crossing in question.

At the rehearing plans for the proposed overpass<sup>(2)</sup> and the underpass<sup>(3)</sup> were presented. The overpass plans are the same as those presented at the original hearings with minor changes, and the underpass plans are completely new.

An engineer employed by the Division of Highways of the State of California testified concerning the costs of the bridge structures in an underpass and an overpass. The bridge structure for the underpass would cost a total of \$299,849.03, and the bridge structure for the overpass would cost a total of \$128,554.65.<sup>(4)</sup> The underpass bridge structure includes the cost of building two 12'5" x 3' flumes to the west of the

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(1) "Underpass" here used means that the highway goes under the railroad and "overpass" means that the highway goes over the railroad.

(2) Exhibit No. 22 R.H.

(3) Exhibit No. 23 R.H.

(4) Exhibit No. 19 R.H.

railroad bridge itself, and one 3' x 3' flume immediately to the east of the proposed railroad bridge structure. These flumes will be referred to subsequently herein.

An assistant district engineer in charge of design for the Division of Highways testified concerning the costs of constructing the underpass as compared with the overpass in so far as all items, other than the bridge structures themselves, and the cost of acquiring the necessary land, are concerned. According to this witness, the underpass, exclusive of the bridge structure and right of way, would cost a total of \$272,018.78, while the overpass, exclusive of the bridge structure and right of way, would cost \$361,764.15, a difference of \$89,745.37.<sup>(5)</sup> He further testified that the total cost of the underpass including right of way would be \$802,127.80, while the total cost of the overpass including right of way would be \$728,318.80, a difference of \$73,809.<sup>(6)</sup> It was further explained during the hearings that costs reflected are necessarily estimates as all work done by the Division of Highways must be done by bid and that, therefore, no definite figures can be given. It was estimated by this particular witness, not a hydraulic engineer, that the three above-mentioned flumes adjacent to the underpass will carry 300 second feet of water. This witness was of the opinion that an overpass should be used for the reason that it would be less expensive, as shown by the figures above.

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(5) Exhibit No. 24 R.H.

(6) Exhibit No. 25 R.H.

The district drainage engineer for the State of California, Division of Highways, recommended an overpass because of the drainage problem. He and his crews made a field inspection in the vicinity of the proposed crossing and made a hydrologic study to determine the quantity of water which would concentrate at the site under consideration. This witness's study showed that 855 acres drain to the proposed crossing and would contribute approximately 300 second feet of runoff water in the one-in-25 years storm condition upon which the Division of Highways plans its highway water protection. The witness stated ✓ this one-in-25 years storm can occur two or three times in a ✓ single year but over a period of 1,000 years it would average ✓ once in 25 years. The 300 second feet of runoff water concentrating at or near the proposed railroad crossing is based on such a storm. The witness further testified that, contrary to the statement made by the prior witness concerning the 300 second feet of water, the flume structures proposed on either side of the railroad bridge across the underpass will handle only approximately 80 second feet of water, and that the ✓ remaining water, if any, must be disposed of under the highway or across the highway from the north side of Firestone to the south side of Firestone or along Firestone Boulevard to the east. The 855 acres to which he referred are shown in the crosshatched area on Exhibit 21 R.H. between the proposed Southern Pacific right of way on the east and Coxhie Avenue on the west, extending north from Firestone Boulevard. This ✓

witness stated that the underpass structure proposed is subject to flooding and that there is no drainage problem on an overpass.

A highway superintendent of the Maintenance Department of the Division of Highways, Department of Public Works of California, stated that there are approximately seven highway underpasses in the vicinity of the proposed crossing. He said that on occasion each of these underpasses has been flooded and impassable. This flooding is not only dangerous to traffic in that there is a possibility that a motorist in an automobile may be trapped in the underpass itself but, in addition, the roads are not usable while the water is in the underpass and when the water is pumped out there are debris to be removed and repairs to be made to the structures and to the pumps which drain the structures. The expenses in connection with returning these structures to service after a heavy storm vary from \$500 to as much as \$4,000.

On behalf of the protestant F. J. Russell, a subdivider with property north of Firestone Boulevard and along the By-Pass Line, an assistant chief engineer of the Los Angeles County Flood Control District stated that the ground water level was 60 feet below the ground level at the intersection of Imperial Highway and Firestone Boulevard in 1950. In 1944 the ground water level was 20 feet below the ground level. This dropping of the water level was due to lack of replenishment through rainfall. We are and have been for several years, he stated, in a period of low rainfall and from his experience this

low rainfall would continue for some time in the future, and that in a few years there would be another wet period which would build up the ground water level to its former high points.

The principal witness appearing on behalf of the protestant Russell was a civil, structural and mechanical engineer with long experience in all of these fields. According to this witness it is unnecessary to provide the flumes to carry water across the highway adjacent to the railroad crossing inasmuch as the figures which he had assembled showed the amount of water coming to the point of concentration, that is, the proposed railroad crossing and Firestone Boulevard, to be a great deal less than the 300 second feet estimated by the Division of Highway engineers. This, theoretically, will save a considerable amount of money in the cost of the structure supporting the railroad as the flumes will be eliminated. This witness also disagreed with the costs of the structures and the methods of construction as testified to by the various witnesses for the applicant and for the Division of Highways.

In addition, nonexpert witnesses appeared in favor of the overpass. An attorney at law appeared on behalf of the Downey Manor Home Owners' Association, a nonincorporated group. He stated that these persons have homes along the railroad right of way on either side thereof, starting immediately north of Firestone Boulevard and desire an overpass rather than an underpass for the reason that if an underpass were authorized, so they understood, the railroad tracks would be elevated

three or four feet above the level of the adjacent lots. One witness owning property on the north side of Firestone Boulevard between Studebaker Road and Ringwood Avenue, and one witness owning property on the south side of Firestone Boulevard and west of the proposed railroad crossing, who had appeared at the first few days of hearing and requested that there be an underpass instead of an overpass, appeared at the rehearing and testified that they desired an overpass instead of an underpass. Their reasons, they stated, were due to more mature consideration and not due to any consideration for the railroad or the Division of Highways. One other witness who did not testify in the former hearings, but who made an appearance, stated that he owns property along the north side of Firestone Boulevard adjacent to the right of way, that he did not testify at the former hearing and that he favored a crossing at grade, but that inasmuch as the Commission had determined that there must be a separated grade, he desired that there be an overpass instead of an underpass.

Another witness who appeared in opposition to the overpass owns land at the intersection of Imperial Highway and Orr and Day Road extending along Firestone Boulevard to approximately the easterly terminus of either the overpass or underpass when constructed. His property is commercial property, and he desires an underpass. He stated, however, that his main reason for appearing was to serve notice that he expects to be compensated for any property taken or damaged by the separated grades. He also stated that he had never seen any water sheeting across



Firestone Boulevard to the west of the proposed easterly terminus of the overpass or underpass structure and that they had never had any water problems in the area until the subdivisions were built above Firestone Boulevard and in the vicinity of the proposed railroad crossing.

In considering the evidence, concerning the consummation of such a comprehensive project, we are disposed to give weight to the carefully considered opinions of the qualified engineers for the railroad and the Division of Highways who have based their conclusions upon thorough study. The plan recommended by the engineers for the Division of Highways and the railroad should, therefore, be approved.

After full consideration of the evidence, including that presented at the original hearings, we find it to be in the public interest to require an overpass at the intersection of Southern Pacific Company's proposed Los Angeles By-Pass Line and Firestone Boulevard. Southern Pacific Company shall bear all costs of the overpass.

ORDER ON REHEARING

Application as above entitled having been filed, a hearing and a rehearing having been held thereon, and the Commission being fully advised in the premises,

IT IS ORDERED that the Southern Pacific Company is hereby authorized to construct a line known as the Los Angeles By-Pass Line at separated grade under Firestone

Boulevard in the vicinity of Studebaker Road, County of Los Angeles, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plans (Drawing No. B-2612, Sheet No. 1 of 1) attached to the application, subject to the following conditions:

(1) The above crossing shall be identified as Crossing No. BKA 497.7-A.

(2) The entire expense of constructing the overpass shall be borne by the applicant.

(3) Prior to the commencement of construction of the separation herein authorized, applicant shall file with this Commission plans of the structure, which plans shall have been approved by the applicant and the Division of Highways of the State of California.

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

(5) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-D.

(6) Within thirty (30) days after completion, applicant shall notify this Commission in writing of the completion of the installation of said crossing and of applicant's compliance with the conditions hereof.

(7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

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

Dated at San Francisco, California, this 22<sup>nd</sup> day of December, 1952.

R. F. [Signature]  
President

James F. Casner  
Harold [Signature]

[Signature]  
[Signature]  
Commissioners