

**ORIGINAL**Decision No. 49164

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission investigation into the )  
 Van Norman Road grade crossing )  
 with Union Pacific Railroad Company )  
 and Los Angeles and Salt Lake Rail- )  
 road Company in Los Angeles County. )

Case No. 5477

E. E. Bennett for Union Pacific Railroad Company  
 and Los Angeles and Salt Lake Railroad Company,  
 respondents.

Graham R. Mitchell for Brotherhood of Locomotive  
 Engineers; T. H. Templin for Los Angeles County Road  
 Department; Matthew Diontoni; interested parties.

Arthur F. Ager, Assistant to the Director, and  
Halsey L. Rixford, Assistant Counsel, for the Public  
 Utilities Commission.

O P I N I O N

This proceeding was instituted upon the Commission's own motion to investigate the crossing at grade in Los Angeles County of Van Norman Road by the respondents' tracks, for the following purposes:

1. To determine whether said crossing is hazardous to the public;
2. To determine whether public safety, convenience and necessity require that said crossing be abolished by physical closing, or altered or relocated, or require the installation of protective devices at said crossing;
3. To prescribe the terms upon which any such maintenance, closing, alteration, or installation shall be made and the

proportions in which the expense thereof shall be divided between the respondents and the County of Los Angeles.

A public hearing was held in Los Angeles on September 14, 1953, before Examiner Rogers, and the matter was submitted. Prior to the hearing notices thereof were sent by registered mail to the City of Montebello and the Los Angeles Grade Crossing Committee, among others. The two named entities failed to make appearances at the hearing. There was no opposition. The original order of investigation was directed to the Union Pacific Railroad Company. At the hearing, pursuant to an oral stipulation, the Order Instituting Investigation was amended to include the Los Angeles and Salt Lake Railroad Company (Union Pacific Railroad Company and Los Angeles and Salt Lake Railroad Company will hereinafter collectively be referred to as "railroad"), and the Los Angeles and Salt Lake Railroad Company entered its appearance, subjected itself to the jurisdiction of the Commission, waived service of a copy of the Order Instituting Investigation, and waived notice of the hearing.<sup>1</sup>

At the hearing Exhibit No. 2 was received in evidence. This is an exhibit prepared by the Engineering Section of the Transportation Division of the Public Utilities Commission, and recites the following facts which we hereby find to be true.

Crossing No. 3-9.3 at Van Norman Road with the single track main line of railroad's tracks between Los Angeles and Pomona, in Los Angeles County just east of the east city limits

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<sup>1</sup> Exhibit No. 1.

of Montebello, is approximately 717 feet east of the east back-wall of the railroad's bridge No. 9.04 over the Rio Hondo, 562 feet south of Whittier Boulevard and 1,072 feet west of the west backwall of the railroad's bridge No. 9.47, which is the Whittier Boulevard underpass.

Van Norman Road extends southerly from Whittier Boulevard across the track on an angle of 85 degrees. The road averages from 15 to 16 feet in width and is surfaced with a light oil macadam pavement. The crossing is paved with asphalt and has a plank guard rail inside and a plank header rail outside of both rails. The crossing itself is 17 feet wide, whereas the north and south approaches are only 15 feet wide approximately 30 feet out from the track. The approaches are on a fill and the embankment is narrow, barely coming up to the edge of the pavement in the narrow portion 30 feet south of the track, where the fill is supported by a rough retaining wall of old broken pavement.

The maximum grade of approach is 14 per cent on both the north and south approaches of Van Norman Road. This grade of approach extends for about 100 feet on each side of the track (see Plate 4, Exhibit No. 2).

The protection at the crossing consists of two Standard No. 1 signs (General Order No. 75-B) 13 feet above the ground. The southeast sign is 16 feet south of the track and 15.7 feet east of the center line of the road. The northwest sign is 14.5 feet north of the track and 17.5 feet west of the road. Each No. 1 sign has a "high-speed-train" sign attached to it at a point approximately seven feet above the ground.

There are two sets of double white stripes painted on the pavement 13 feet from the center line of the track and parallel to it on both sides of the track, extending half way across the pavement on the traffic side of the road.

There are also two reflectorized advance warning signs, one 449 feet south of the track and 8.6 feet east of the pavement and the other 306 feet north of the track and nine feet west of the pavement. "RXR" signs are painted on the pavement 506 feet south and 312 feet north of the track.

In addition, there is a double white stripe painted in the center of the pavement, designed to prohibit the passing of vehicles over the center line, extending 205 feet southerly and 213 feet northerly from the center line of the track.

There is no illumination at the crossing, although there is one city street light 209 feet north of the track and another 304 feet south of the track.

The visibility of approaching trains is poor in the northeast and southwest quadrants (see Photographs 6 and 7, Plate 5, Exhibit No. 2). The visibility is good in the northwest and southeast quadrants (see Photographs Nos. 4 and 9, Plate 5, Exhibit No. 2).

The visibility of vehicles approaching each other from opposite directions is very poor because of the 14 per cent grade on both sides of the track (see Photographs Nos. 1, 2, 3, 5 and 8, Plate 5, Exhibit No. 2).

A count by the Traffic Department of the Los Angeles County Road Department made on August 3, 1953, showed that 666 vehicles used this crossing in the 24-hour period, 366 southbound

and 300 northbound. The average hourly count northbound was 12 and southbound 15 vehicles. The peak for the northbound was between 8 and 9 a.m. and totaled 37 vehicles. The peak for the southbound was between 4:45 and 5:45 p.m. and totaled 91 vehicles.

The railroad traffic consists of four passenger trains in each direction and an average of three local and seven through freight trains in each direction. The permissible speed for passenger trains is 79 miles per hour and for freight trains 50 miles per hour.

On September 10, 1947, at 6:55 a.m., two persons were killed at this crossing when an eastbound work train, traveling 40 miles per hour, struck a southbound truck which was stalled on the track. It was daylight but foggy.

A detailed study of the origin and destination of vehicles over the crossing gave the results shown on Plate 6, Exhibit No. 2. This plate shows that of 435 vehicles using the crossing in 16 hours, 200 come from or go to a point beyond the intersection of Loch Lomond Drive (the only street intersecting Van Norman Road south of Whittier Boulevard) and Coffman and Pico Road (the first street east of, and parallel to, Van Norman Road). These vehicles could use the Coffman and Pico Road and the underpass on Whittier Boulevard without using the crossing under consideration. In addition, there were 64 vehicles that came from or went to Whittier Boulevard east of Van Norman Road. These vehicles could use the Coffman and Pico Road route with no significant increase in travel distance.

There are 32 houses in the City of Montebello south of the track in the vicinity of Van Norman Road, and six houses in unincorporated territory south of the track and between the track and Loch Lomond Drive, making a total of 38 residences whose occupants might be inconvenienced if the grade crossing were closed.

The intersection of Whittier Boulevard and Coffman and Pico Road is governed by traffic lights, whereas there are no traffic lights at the intersection of Van Norman Road and Whittier Boulevard. It is safer to travel via Coffman and Pico Road rather than by Van Norman Road because of this signal protection and the fact that there is no railroad crossing involved.

In addition to Exhibit No. 2, oral evidence was presented which shows the following facts, which we find to be true:

The cost of improving the crossing to conform to Public Utilities Commission requirements would be from \$65,000 to \$70,000.

The crossing is one of the most hazardous crossings on railroad's lines. On occasions on foggy days visibility is limited to twenty feet at the crossing.

Upon the record before us we find that the Van Norman Road crossing of railroad is unsafe because of the following conditions as shown by the record:

1. The 14 per cent grade of approach extending approximately 100 feet on each side of the crossing.

2. The narrowness of the road at the point of crossing. This road has a width of 17 feet for approximately 35 feet on each side of the track and narrows down to 15 feet thereafter.

3. Poor visibility in the northeast and southwest quadrants of approach to the crossing.

4. The permissible speeds for trains across this crossing, which are 79 miles per hour for passenger trains and 50 miles per hour for freight trains.

5. The frequency of the trains using the crossing, there being a total of 8 scheduled passenger trains and 20 scheduled freight trains each 24 hours, plus special trains such as excursion trains, as required.

We further find that because of the small number of persons using the road and the availability of an alternate route, improving the crossing to the standards of the Commission is not justified in view of the expense thereof.

From the foregoing findings of fact we conclude that the Van Norman Road grade crossing should be physically closed. It will be so ordered.

#### O R D E R

The Commission having instituted its investigation into the Van Norman Road grade crossing by railroad, a public hearing having been held thereon, the matter having been duly submitted and the Commission having found that the said crossing should be physically closed,

#### IT IS ORDERED:

1. That respondents, Union Pacific Railroad Company and Los Angeles and Salt Lake Railroad Company, shall abolish, by physically closing the crossing of Van Norman Road with its main line (Crossing No. 3-9.3) in the County of Los Angeles, as more particularly shown on Plate 1 of Exhibit No. 2, filed

in this matter; that in abolishing said crossing the Union Pacific Railroad Company and Los Angeles and Salt Lake Railroad Company shall remove said crossings and their approaches within the limits of their right of way, and erect suitable barriers in such manner as effectively to prevent the use of said crossing by vehicular traffic.

2. That within thirty days after the closing of said crossing, as provided herein, said Union Pacific Railroad Company and Los Angeles and Salt Lake Railroad Company shall so advise the Commission in writing.

3. That the order herein may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be the twentieth day after service thereof upon the respondents, Union Pacific Railroad Company and Los Angeles and Salt Lake Railroad Company, in the manner provided by law.

Dated at San Francisco, California, this 29th day of September, 1953.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Harold P. Huls  
Commissioner....., being necessarily absent, did not participate in the disposition of this proceeding.