

ORIGINAL

Decision No. 49477

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into grade  
 crossings of Southern Pacific Company  
 with San Fernando Mission Boulevard,  
 Cobalt Street, Astoria Street,  
 Branford Street, Arminta Street and  
 Fair Avenue, all in City of Los  
 Angeles.

Case No. 5497

Randolph Karr, Attorney, for Southern Pacific  
 Company, respondent; Charles A. Soothill, for Los  
 Angeles Department of Public Utilities and Trans-  
 portation, G. R. Mitchell, for Brotherhood of  
 Locomotive Engineers, and H. F. Holley, for Los  
 Angeles Grade Crossing Committee, interested  
 parties; Halsey L. Rixford, for the Public  
 Utilities Commission.

O P I N I O N

Under date of October 6, 1953, the Commission issued an  
 Order of Investigation in the above-entitled matter, directing an  
 investigation into the "safety, maintenance, operation, use, and  
 protection" of the following six crossings:

- E-444.4 - San Fernando Mission Boulevard (on Southern  
 Pacific Company's main Coast Line),
- B-459.43 - Cobalt Street,
- B-460.52 - Astoria Street,
- B-465.0 - Branford Street,
- B-468.4 - Arminta Street,
- (these four crossings being on Southern  
 Pacific Company's main El Paso Line, some-  
 times called the San Joaquin Valley Route)
- BY-463.0 - Fair Avenue (on Southern Pacific Company's  
 Burbank Branch).

A public hearing was held on December 10, 1953, in Los Angeles, before Commissioner Scoggins and Examiner Syphers, at which time evidence was adduced and the matter submitted. Notices of the hearing were mailed to all interested parties, posted at each of the crossings involved and published in two newspapers, the Valley Times and the Burbank Daily Review.

At the hearing an engineer of the Commission staff presented a study of these six crossings which was received in evidence as Exhibit 1. This exhibit discloses that in 1948 the staff of this Commission conducted a state-wide survey of grade crossings and, as a result thereof, many recommendations were made as to those crossings where improvements were needed in the interest of safety. These recommendations included the widening of crossings and approaches, raising approaches, patching pavement, installing advance warning and boulevard stop signs, and other recommendations.

Among the group of crossings for which improvements were recommended were the six crossings concerned in this matter. All of these six crossings present major safety problems and all are within the city limits of the City of Los Angeles. Accordingly, the recommendations for improvements were made to that city.

The City of Los Angeles took the position that these crossings were private crossings and that, therefore, the city did not intend to do any improvement work.

Exhibit 1 describes each of the six crossings in detail, including the existing protective devices, if any, the visibility at the crossing, the results of traffic checks as to vehicular and railroad traffic, and the accident record of each

crossing. The recommendation of the staff engineer is that all six of these crossings be closed. His report points out that none of these crossings meets the requirements as set out by this Commission and that in each case there would be no serious effect upon the traveling public if the crossing were closed. This witness further testified that there were no dedicated streets over these crossings.

The secretary of the Los Angeles County Grade Crossing Committee presented the recommendations of that committee relating to these six crossings. These recommendations, which are contained in Exhibits 3 and 4, suggest that all of the six crossings be closed. However, this same witness presented Exhibit 2 which is a copy of a request received by the Los Angeles County Grade Crossing Committee from the city engineer of the City of Los Angeles recommending that the crossing at Fair Avenue be kept open and indicating that the city may take steps to acquire the right of way and improve the crossing. It should also be noted that one of the members of the Los Angeles County Grade Crossing Committee, the principal traffic engineer of the City of Los Angeles, was of the opinion that the crossing at Branford Street should be kept open provided that it is fully improved up to the standards for grade crossings.

Witnesses for the Southern Pacific Railroad Company presented testimony and exhibits relating to the six crossings here in question. Exhibit 5 consists of photostatic copies of the deeds to the railroad of the properties relating to the areas of the Cobalt, Astoria and Branford Crossings. Exhibits 6 to 11, inclusive, are copies of the railroad's strip maps showing

the location of these crossings. An analysis of these exhibits and the testimony of the railroad witnesses who presented them shows that the six crossings here in question are not public highways. Three of them were in existence prior to 1911 and three were opened since that time. However, the records do not disclose any dedication as to these crossings or any agreements for private or farm crossings. In spite of a careful search of the railroad company's records, there is no evidence to show when these crossings were opened.

The chairman of the California State Legislative Board of the Brotherhood of Locomotive Engineers presented testimony as to the hazards of grade crossings, particularly unimproved grade crossings. He recommended that these crossings either be improved or closed.

Upon this record we now find that the following four crossings should be closed since they are not dedicated crossings, they present major safety hazards to the public and there will be no public inconvenience since other crossings are available for use:

- E-444.4 - San Fernando Mission Boulevard
- B-459.43 - Cobalt Street
- B-465.0 - Branford Street
- B-468.4 - Arminata Street

Concerning the remaining two crossings, there was some additional testimony. A resident of the San Fernando Valley who owns property in the vicinity of the Astoria Crossing protested the closing of that crossing on the grounds that it is presently being used by a large number of people and on the further grounds that the area is rapidly developing and that there will be a need

for this crossing. The record further discloses that as to this crossing at Astoria Avenue, the City of Los Angeles by Ordinance No. 73403 dated January 3, 1934, officially closed, vacated and abandoned this crossing for public street purposes. As to the crossing at Fair Avenue, Exhibit 2 discloses that there may be some disposition on the part of the City of Los Angeles to secure the necessary right of way and improve the crossing so that it meets the prescribed standards.

Accordingly, as to these two crossings, Astoria and Fair Avenue, it becomes apparent that any improvement which is done is dependent upon action by the City of Los Angeles. In the light of this record we find that these crossings present unsafe conditions but because of the representations made in this matter the City of Los Angeles will be given a period of ninety days from the effective date of this order in which to file applications with this Commission for authority to establish grade crossings conforming to reasonable safety standards as prescribed by this Commission. If such applications are not filed, then these two crossings will be closed.

The action taken herein shall not prejudice any future applications which may relate to the reopening of these crossings herein involved.

O R D E R

An Order of Investigation having been instituted, public hearing having been held thereon, the Commission being fully advised in the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that the Southern Pacific Company shall immediately after the effective date of this order close and barricade the following railroad crossings:

- E-444.4 - San Fernando Mission Boulevard
- B-459.43 - Cobalt Street
- B-465.0 - Branford Street
- B-468.4 - Arminta Street

IT IS FURTHER ORDERED that ninety days after the effective date of this order, the Southern Pacific Company shall barricade and close the following two crossings unless the City of Los Angeles shall, on or prior to that time, have filed an application with this Commission for authority to establish crossings at these locations according to the standards prescribed by this Commission:

- B-460.52 - Astoria Street
- BY-463.0 - Fair Avenue

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

Dated at San Francisco, California, this 21st day of December, 1959.

A. J. Davidson  
President

Justin F. Adams

Francis P. Patten

John E. Hill

Gene Higgins  
Commissioners