

**ORIGINAL**Decision No. 51355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ATHOL B. WOOD,

Complainant

vs.

Case No. 5565

SOUTHERN PACIFIC COMPANY, a  
Corporation, and PACIFIC ELECTRIC  
RAILWAY COMPANY, a Corporation,

Defendants

AppearancesWilliam R. Phillips, for complainant.C. W. Cornell, E. D. Yeomans and  
Walt A. Steiger for defendants,  
Southern Pacific Company and  
Pacific Electric Company.O P I N I O N

The complainant is a property owner and resident of the City of Huntington Park. The defendant, Pacific Electric Railway Company, operates a railroad through that City on Randolph Street. Complainant's property is on Templeton Avenue about one-half block south of defendant's tracks. The complaint herein alleges that the trains operated by defendant create great amounts of noise and vibration, thereby causing damage to complainant's property, impairment of her health, and disturbance of her rest. This Commission is requested to issue an order directing defendant to renovate its tracks and roadbed in the area concerned, limit the length and weight of its trains, and for other appropriate relief.

In its answer the defendant Southern Pacific Company denies the principal allegations of the complaint and specifically alleges that it does not own the right of way concerned or conduct operations

thereon. This was later confirmed by the testimony presented and accordingly the only defendant to be considered herein is the Pacific Electric Railway Company.

Public hearings were held at Huntington Park on December 6, 1954, January 11, and March 4, 1955, before Examiner Grant E. Syphers. On these dates evidence was adduced and on the last-named date the matter was submitted. It is now ready for decision.

At the hearing the complainant testified as to the effects of the operation of the trains upon Randolph Street. She stated that she has lived in Huntington Park at her present address since 1920. At that time the railroad operated a passenger service. In about 1924, a freight operation was commenced which during the ensuing years has become increasingly heavy, and particularly during the past year the freight operations have increased to such an extent as to become quite annoying. The railroad now uses diesel engines and operates long trains, some of them having 60 or more cars. The principal operation is during the nighttime and the complainant testified that the noise and vibration caused by these heavy, long trains is so great as to disturb her sleep and to cause damage to her property. She specifically testified that the plaster in the ceilings of her home had cracked and in some instances had to be replaced.

Similar testimony was presented by other witnesses who are residents or property owners in the area. It was pointed out that the noise is caused by the movement of the trains and also by the slack action which occurs when the trains are stopped. There was some testimony as to the noise caused by train whistles and by loud talking of the train crews.

The Mayor of Huntington Park, whose testimony was corroborated by one of the City councilmen, testified that the train operations had caused the high school in the vicinity to vibrate and shake. He also observed that in his official capacity he has

received complaints from residents of the area, which complaints were similar to those made by the complainant herein. He stated that the trains travel through the area at speeds of approximately 25 to 30 mph, making a stop at Pacific Boulevard. This stop causes the slack action which has been referred to previously.

Most of the complaining witnesses testified that the roadbed of the railroad is in poor condition, not properly ballasted, and that the tracks and ties are not properly maintained. Exhibits Nos. 1 to 4 are photographs of the tracks and roadbed in this area.

Exhibit 5, identified and explained by a witness for the railroad, is a map showing the present operations of the Pacific Electric Railway, and Exhibit No. 6 is a map showing a survey made in 1902 relative to that portion of the railroad herein concerned. The witness testified that a single-track railroad was constructed and placed in operation in 1903 and he traced the additions to facilities and changes in ownership thereto up to the present time. Exhibit No. 7 consists of photostatic copies of deeds relative to the right of way in question which is now 40 feet in width. Exhibit No. 8 is a map showing this present right of way. The witness further testified that originally the line had been operated by electric power. The first diesel operation was in June, 1949, and by August 12, 1953, the line became 100% diesel operated. The electric overheads were removed in June, 1954.

A second witness for the railroad company presented Exhibit 9, a list of industries served by the railroad in that area, and testified that there are approximately 130 such industries between Huntington Park and the eastern end of the line. He also testified as to the train operations in the area. Exhibit No. 10 is a summary of train movements for the month of October, 1954. The average length of these trains is shown in Exhibit No. 11. Exhibit No. 12 shows the average running time of these trains and testimony supplemental thereto showed that the timetable speed is 30 mph through Huntington Park, with a speed of 20 mph at roadway crossings.

The weights of the locomotives used are set out in Exhibit No. 13, while the number of trains passing a check point at Holmes Avenue is set out in Exhibit No. 14.

At the present time trains travelling in either direction are required to stop at Alameda Street and at Pacific Boulevard. The witness was of the opinion that the elimination of the stop at Pacific Boulevard would minimize the noise. As to the complaints relative to the blowing of horns and whistles, this witness testified that the trains are now equipped with trombone-type whistles which are similar to those formerly used on the electric trains. He further testified that the railroad has stopped certain switching operations and, in general, the operations are inspected with a view to minimizing unnecessary noises.

Exhibit No. 15 lists the protective devices at each crossing between Slauson Junction and the Los Angeles River. It should be noted that at Pacific Boulevard, the principal crossing in question herein, there is no synchronization of signals, and the trains make stops at that crossing.

The railroad witness presenting testimony as to the condition of the track, pointed out that in 1953 the track in the area was rehabilitated. However, the portion between State Street and Slauson Junction was not ballasted or rehabilitated because of negotiations which were then pending with the City of Huntington Park relative to moving the track to the center of the street. Exhibit No. 16 is a copy of a resolution of the City Council of the City of Huntington Park, dated December 6, 1954, terminating negotiations with the Pacific Electric Railway relative to its right of way on Randolph Street. A railroad witness testified that upon receipt of this resolution the railroad assigned a crew to the area replacing the worn-out ties and welding the joints. It was also testified that the railroad now intends to re-ballast the portion of the track between

State Street and Slauson Junction. This work was to start about March 21, 1955 and will be completed in approximately two months. The ballast proposed will be rock ballast covering a depth of 6 inches below the ties.

Relative to the installation and synchronization of signals at Randolph Street and Pacific Boulevard, the testimony indicates there is no agreement between the City and the railroad. However, a witness for the railroad testified that the cost of such installation and synchronization would amount to \$7,980, and the cost of coordinating the railroad signals with the traffic signals would be about \$1,155. The Mayor of the City of Huntington Park testified that the City was willing to pay the cost of coordinating these signals in an amount of about \$1,800.

An engineer of this Commission presented a report of the track conditions which was received in evidence as Exhibit No. 17. This report indicates that if the replacement of ties and the welding of joints is completed, and the new ballast installed, the track will be in good condition.

A consideration of all of this evidence leads us to the conclusion and we now find that the improvement of the track and roadbed as proposed herein, the elimination of the stop for trains at Pacific Boulevard, and the slowing down of train operation through the area involved are changes which will be in the public interest and that public convenience and necessity so require. Specifically, therefore, we shall direct: (1) that the railroad shall complete the welding of the joints and the replacement of ties and installation of ballast in the track between Alameda Street and State Street in the City of Huntington Park; (2) at the intersection of Pacific Boulevard and Randolph Street in Huntington Park there shall be installed two No. 8 flashing lights on cantilevers, together with coordinating facilities on the railroad right of way at Crossing No. 6C-5-37;

- (3) in addition there shall be installed coordinating circuits between the traffic lights and the train signals as well as additional traffic signal heads to prevent north and southbound vehicular traffic from crossing the tracks and permit east and westbound traffic to proceed along Randolph Street while the crossing is occupied by trains; and
- (4) the maximum speed of all trains while operating through Huntington Park shall be limited to 20 mph.

O R D E R

Complaint as above-entitled having been filed, public hearings thereon having been held, and the Commission having been fully advised in the premises and hereby finding it to be in the public interest and that public convenience and necessity so require,

IT IS ORDERED:

- (1) That the Pacific Electric Railway Company shall complete present work of replacing ties and welding the joints of its track in Randolph Street between Alameda and State Streets, and re-ballast this track with rock ballast to a depth of 6 inches below the bottom of the ties.
- (2) At the intersection of Pacific Boulevard and Randolph Street in Huntington Park at Crossing No. 6C-5.37, the Pacific Electric Railway Company shall install, or cause to be installed, two No. 8 flashing lights on cantilevers together with coordinating facilities on the railroad right of way.
- (3) At the intersection and railroad crossing described in Paragraph (2) hereinabove, the City of Huntington Park shall install, or cause to be installed, outside of the railroad right of way, coordinating circuits between traffic lights and train signals, together with additional traffic signal heads to prevent north and southbound vehicular traffic from crossing the tracks and permit east and westbound traffic to proceed along Randolph Street while the crossing is occupied by trains.

(4) The Pacific Electric Railway Company shall limit the speed of all of its trains operating through the City of Huntington Park to a maximum speed of 20 mph.

IT IS FURTHER ORDERED,

That in carrying out the provisions of this order the Pacific Electric Railway Company and the City of Huntington Park shall complete work herein ordered within a period of 180 days from the effective date of this order, or in the event such completion cannot be effected by that time, advise this Commission in writing as to the reasons therefor.

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

Dated at San Francisco, California, this 19th day of 1 APRIL, 1955.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners