

ORIGINALDecision No. 53614

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LOS ANGELES AND SALT LAKE RAILROAD)
 COMPANY, a corporation, and its)
 Lessee, UNION PACIFIC RAILROAD COMPANY,) Application No. 38304
 a corporation, for permission to)
 establish impaired clearance of main)
 track of its San Pedro Branch at Anaheim)
 Viaduct, Anaheim Street, Los Angeles,)
 California.)

E. E. Bennett and Edward C. Renwick, by
Edward C. Renwick, for applicants.

G. C. Larkin and Melvin A. Wilkie, by
Melvin A. Wilkie, for the Order of Railway
 Conductors and Brakemen; George W. Ballard
 for the California Legislative Board,
 Brotherhood of Railroad Trainmen, George W.
 Ballard and E. A. McMillan, by George W. Ballard,
 for the Brotherhood of Railway and Steamship
 clerks; protestants.

O P I N I O N

The Los Angeles and Salt Lake Railroad Company and its lessee, the Union Pacific Railroad Company, corporations, have petitioned the Commission for an order authorizing petitioners to operate with impaired overhead clearance of 18 feet under the Anaheim Street viaduct in the vicinity of Pennington Avenue, Los Angeles, California. Such authority will require a deviation from the minimum 22 feet 6 inches overhead clearance prescribed by this Commission's General Order No. 26-D.

Public hearings were held in Los Angeles on August 13 and 15, 1956, before Examiner Kent C. Rogers, and the matter was orally argued and submitted. It is ready for decision. Due to the alleged necessity for the immediate commencement of work the applicants request that the authority, if granted, be made effective immediately.

The following facts are alleged in the application:

Applicants serve the Los Angeles Harbor and Long Beach Harbor by their San Pedro Branch, the main track of which enters the harbor area under an overhead highway bridge, known as the Anaheim Viaduct, on Anaheim Street, which extends east and west. Dominguez Drainage Channel, a natural watercourse which drains an extensive area in the southwestern portion of Los Angeles County, crosses under Anaheim Viaduct and empties into the Consolidated Channel of Los Angeles Harbor a short distance westerly of its intersection with Henry Ford Avenue, which extends north and south. Pennington Avenue connects with Henry Ford Avenue a short distance southerly of Consolidated Channel and extends northeasterly and generally parallel with Dominguez Drainage Channel to a connection with Anaheim Street. The said main track of the San Pedro Branch crosses Pennington Avenue approximately 100 feet south of Anaheim Viaduct and for the most part extends southwesterly along the east boundary lines of Pennington Avenue and Henry Ford Avenue to Terminal Island. Said main track also connects with the Wilmington and San Pedro portions of Los Angeles Harbor by means of a connecting "wye" track, the two legs of which (known as Track 65

and Track 117) cross Dominguez Drainage Channel near its intersection with Henry Ford Avenue over two pile trestle railroad bridges (See Exhibit No. 1 herein for overall picture and Exhibit A attached to the application for profile of the tracks under Anaheim Viaduct.)

Since 1940 the Los Angeles-Long Beach Harbor area has been subjected to a gradual subsidence of the surface, the maximum subsidence being near Cerritos Channel. (Exhibit No. 1), where subsidence of approximately $22\frac{1}{2}$ feet has been experienced to date and where the current annual rate of subsidence is approximately two feet. The rate and amount of subsidence diminishes gradually between Cerritos Channel and the area in the vicinity of Anaheim Viaduct, where the subsidence to date amounts to $5\frac{1}{2}$ feet and the current rate is .35 of a foot per year.

Dominguez Channel drains an area approximately five miles in width and 15 miles in length (Exhibit No. 2). Due to urban improvements in the drainage area the volume of waters draining to the Pacific Ocean through the channel has been increasing in the past several years.

Due to the aforementioned subsidence the tidal waters from Los Angeles Harbor extend up into Dominguez Drainage Channel. In order to clear the increased level of tidal waters in Dominguez Drainage Channel, applicants have heretofore raised the grade of the said "wye" track and supporting bridge across the Dominguez Drainage Channel and of their said main San Pedro Branch track in the area. At the present time the said main track northerly

of the "wye" track descends on a grade under Anaheim Viaduct and gradually ascends from its low point under said viaduct as it extends north thereof. (See track profile, Exhibit A on the application).

The clearance between the top of rail of said San Pedro main track and the lowest part of the structure is 22 feet 6 inches. At the period of highest tide experienced several times a year the said main track under Anaheim Viaduct is covered by tidal waters from Dominguez Drainage Channel, resulting in unfavorable operating conditions and increased maintenance. As the result of the coincidence of heavy rains and high tides in January of 1956, service over the line of applicants to and from Los Angeles and Long Beach Harbors was interrupted for 48 hours as a result of flood waters two feet deep over said main track under the Anaheim Viaduct and the washout of said track at two places southerly thereof. At the same time Pennington Avenue was flooded and washed out.

The Los Angeles County Flood Control District has adopted plans for the eventual improvement of Dominguez Channel which will require the raising of the grade of the San Pedro main track of applicants so that the top of the rail will be 18 feet below the bottom of the roadway of the Anaheim Viaduct.

The allegations of the application were supported by testimony of a Los Angeles County Flood Control District engineer, a division engineer for both applicants, and applicants' Los Angeles Terminal superintendent. The terminal superintendent

added the information that there is only one train in each direction each day operated under the Anaheim Street Viaduct.

The applicants allege that if the request is granted;

(1) The raise in grade will result in the establishment of an approximately level grade for the segment of track involved at approximately the elevation of the portion of track in the vicinity of the said "wye" track of the applicants.

(2) The danger of flooding of said track under Anaheim Viaduct will be greatly reduced.

(3) The raise in grade of said main track will be complementary to the improvement and raise in grade of Pennington Avenue.

(4) The said track and Pennington Avenue together will constitute a substantial dike between Anaheim Street and Henry Ford Avenue which will protect the property of applicants and others located south of Anaheim Street and east of Henry Ford Avenue from flood waters coming from Dominguez Drainage Channel until such time as the plans of the Los Angeles County Flood Control District for deepening, widening and improving Dominguez Drainage Channel can be completely carried out.

The order of Railway Conductors and Brakemen, the Brotherhood of Railroad Trainmen, and the Brotherhood of Railway and Steamship Clerks protested the granting of the application and objected to the hazardous condition which will be created by the impaired clearance. They suggested that the Anaheim Viaduct be raised, if the track is raised, so as to provide the minimum clearance provided in General Order No. 26-D, or that applicant use the tracks of the Southern Pacific Railroad and by-pass the Anaheim Viaduct (see Exhibit No. 1).

We have reviewed the record herein and are of the opinion the applicants' request should be granted on a temporary basis to permit the applicants, if they are so advised, (1) to commence proceedings to secure the raising of the Anaheim Viaduct to permit the clearance required by General Order No. 26-D or (2) to make arrangements with the Southern Pacific Company for an interconnection whereby it will be able to by-pass the Anaheim Viaduct. The authority granted will be subject to conditions to protect the safety of the trainmen.

O R D E R

An application for authority to deviate from the minimum overhead clearance prescribed by General Order No. 26-D having been filed and the Commission having found that the application should be granted subject to certain conditions,

IT IS ORDERED, that applicant, for a period of one year after the effective date of the order, is authorized to deviate from the provision of General Order No. 26-D in that the top of the rails under the Anaheim Viaduct may be raised to a level not less than 18 feet from the lowest portion of the overhead of said viaduct over said rails.

The authority herein granted is subject to the following conditions:

- (1) That applicant install and maintain telltales as shown in Exhibit A attached to the application herein.

- (2) That applicant issue bulletins prohibiting yard or train-service employees from riding on top of trains while movement is being made beneath the Anaheim Viaduct.
- (3) That each train be brought to a complete stop with its head end at a point even with the closest edge of the viaduct prior to passing thereunder.

The order herein is an emergency order and will expire within one year from the effective date hereof unless the period of authorization is extended by this Commission.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California,
 this 21st day of August, 1956.

 President
Justin D. Casper

Robert L. ...

P. ...

 Commissioners

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