

Decision No. 54078

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the STATE OF CALIFORNIA, )  
 Department of Public Works, for an )  
 order authorizing construction of a )  
 crossing at separated grades over the )  
 tracks of the Southern Pacific Company )  
 at the north end of its Taylor Yard )  
 in the City of Los Angeles, and the )  
 abandonment of an existing crossing )  
 at grade. Said overhead crossing is )  
 sometimes referred to as "Taylor Yard )  
 Overhead". )

Application No. 36593

In the Matter of the Application of )  
 THE CITY OF LOS ANGELES, a municipal )  
 corporation, re the construction of )  
 a structure separating the crossing of )  
 FLETCHER DRIVE and the railroad tracks )  
 of the SOUTHERN PACIFIC COMPANY. )

Application No. 37823

Appearances (see attached appendix)

O P I N I O N

The State Department of Public Works, in connection with its highway improvement program, plans to construct the first segment of the Glendale Freeway on a right of way running in a northeasterly-southwesterly direction generally paralleling Fletcher Drive in the City of Los Angeles, between the east side of the Los Angeles River and Verdugo Road. This first segment will be approximately 1.2 miles in length. As a part of this construction a grade separation is contemplated between the proposed freeway and the tracks of the Southern Pacific Company at the north end of the railroad's Taylor Yard. The tracks run generally in a northwesterly-southeasterly direction, and cross both the proposed freeway route and Fletcher Drive. There is a distance of approximately 700 feet between these two crossings. This new freeway will become part of State Highway 162,

and Fletcher Drive, the present route of that highway in the vicinity, will become a city street.

The application, as amended, requests an order of this Commission: (1) authorizing and approving the proposed grade separation, and (2) apportioning the costs to be borne by the State Department of Public Works and the railroad. The application also proposes to "abandon the existing crossing at grade at Fletcher Drive" and therefore raises the issue as to whether or not this Commission should close this crossing.

By Application No. 37823 the City of Los Angeles seeks an order (a) authorizing and requiring the construction of a grade separation structure separating the crossing of Fletcher Drive and the railroad tracks of the Southern Pacific Company; (b) designating the portions of the work to be done by the City and the Southern Pacific Company, the State of California Department of Public Works and the County of Los Angeles; and (c) allocating the costs thereof among the parties.

Public hearings were held in Los Angeles before Examiner Grant E. Syphers on December 21, 1955, February 14, 15, 16 and 17, April 9, May 28, June 27, August 7 and September 12, 1956, during which time evidence was adduced and on the last named date the matter was submitted.

Testimony was presented during the course of these hearings relative to the plans for the construction of the Taylor Yard overpass, estimated costs thereof, and the need therefor. Likewise, testimony was presented as to the importance of Fletcher Drive as a city street and the type of separation proposed.

One estimate of the construction costs of the Taylor Yard overpass amounted to \$3,300,000. Of this amount the Southern Pacific Company, by an agreement dated September 16, 1955, had agreed to pay \$300,000 and to grant an easement for the necessary rights of way. This agreement was conditioned upon the Fletcher Drive crossing being closed.

The Fletcher Drive separation, as proposed, would cost about \$1,075,000.

On September 12, 1956, the parties presented a stipulation signed by representatives of the City of Los Angeles, the County of Los Angeles, the Southern Pacific Company, and the Department of Public Works of the State of California. In this stipulation the parties agree to the construction of the Taylor Yard overpass, eliminating therefrom any provision for an on ramp from Kerr Street, which ramp previously had been suggested. The parties also agree that the proposed separation on Fletcher Drive be constructed. The Southern Pacific Company is to pay the City of Los Angeles Three Hundred Thousand Dollars (\$300,000) toward the cost of the Fletcher Drive grade separation. In addition, the Southern Pacific Company is to provide to the City of Los Angeles an easement across its property for the Fletcher Drive separation.

The County of Los Angeles is to pay one-half of the difference between the total cost of the Fletcher Drive separation, eliminating therefrom any cost for rights of way, and the Three Hundred Thousand Dollars (\$300,000) contribution of the Southern Pacific Company. In no event is the County's share to exceed Four Hundred Thousand Dollars (\$400,000). Additional terms are set up in this stipulation relative to the construction of the Fletcher Drive separation.

The protestants in this matter were property owners, residents and business people of the area who opposed the closing of Fletcher Drive as proposed in Application No. 36593. Those protests were resolved and satisfied by the stipulation of the parties and by Application No. 37823.

A consideration of the evidence adduced and the stipulation submitted leads us to conclude, and we now find, that there is a need for the construction of a grade separation as proposed between the Glendale Freeway and the tracks of the Southern Pacific Company at the north end of its Taylor Yard in the City of Los Angeles. We further

find that the type of overpass proposed is the most feasible type of structure. We also find that there is a need for the construction of a grade separation of Fletcher Drive and the tracks of the Southern Pacific Company, and that the proposal submitted is the most feasible type of structure.

We further find that the terms of the stipulation which has been filed in this proceeding are reasonable and not adverse to the public interest. The ensuing order will incorporate these terms. The two applications will be consolidated.

O R D E R

Applications as above entitled having been filed, public hearings having been held thereon, and the Commission being fully advised in the premises,

IT IS ORDERED that the Department of Public Works of the State of California be and it hereby is authorized to construct an overpass over the tracks of the Southern Pacific Company at the north end of its Taylor Yard, substantially in accordance with the plan introduced in evidence in this proceeding.

IT IS FURTHER ORDERED that the City of Los Angeles, on or before the expiration of the first six months after the Taylor Yard overhead is constructed and opened to public use, shall commence and diligently prosecute to completion the construction of a grade separation of Fletcher Drive and the tracks of the Southern Pacific Company substantially in accordance with the proposals set out in the instant proceedings.

The foregoing authorizations are subject to the following conditions:

1. Southern Pacific Company shall pay to the City of Los Angeles the sum of Three Hundred Thousand Dollars (\$300,000) toward the cost of the construction of the grade separation of Fletcher Drive and the tracks of the Southern Pacific Company. This contribution shall stand in place of the proposed contribution of Three Hundred Thousand Dollars (\$300,000) from the Southern Pacific Company to the Department of Public Works

as provided in the agreement dated September 16, 1955, and the Southern Pacific Company shall be released from any obligation to contribute the sum of Three Hundred Thousand Dollars (\$300,000), or any portion thereof, to the State Department of Public Works under said agreement. The Southern Pacific Company shall provide to the City of Los Angeles an easement for highway purposes upon its property fronting on Fletcher Drive between Casitas Avenue and its 100-foot right of way and across such right of way.

2. The County of Los Angeles shall contribute one-half (1/2) the difference between the total cost of the Fletcher Drive structure, eliminating therefrom any costs for rights of way, and the contribution of Three Hundred Thousand Dollars (\$300,000) by the Southern Pacific Company, but in no event exceeding Four Hundred Thousand Dollars (\$400,000).
3. The City of Los Angeles shall bear the remaining cost of the grade separation at Fletcher Drive, other than such rights of way or contributions for rights of way which it may secure.
4. The plans and specifications for said grade separation at Fletcher Drive and any detailed agreements for the carrying out of the projects shall be subject to approval of the parties hereto, the Southern Pacific Company, State Department of Public Works, Division of Highways, the City of Los Angeles and the County of Los Angeles, and if the parties are unable to agree thereto, the matter shall be submitted to the Public Utilities Commission for determination.
5. The grade separation at Fletcher Drive shall be so constructed as to leave the entire width of the Southern Pacific Company 100-foot strip of land at Fletcher Drive fully available for railroad purposes.
6. The City of Los Angeles shall pay as costs of the project the Southern Pacific Company's costs and expenses in connection with the construction of the Fletcher Drive structure, including but not limited to the relocation and restoration of the Southern Pacific Company's property and the protection of the Southern Pacific Company's operations.
7. In the event any special district assessments are levied against the Southern Pacific Company's property to defray any part of the cost or expense of the Fletcher Drive structure, the City of Los Angeles shall reimburse the Southern Pacific Company for any such assessment which may be paid by the Southern Pacific Company.

- 8. after the construction of said Fletcher Drive structure, the City of Los Angeles shall maintain the substructure below the bridge seats, including all lighting, street paving and street drainage and the Southern Pacific Company shall maintain the structure above the bridge seats including its track, ballast and railroad drainage.
- 9. The grade separation structures herewith authorized shall be constructed with grades conforming to the provisions of General Order No. 26D of this Commission.
- 10. The Fletcher Drive separation shall be identified as Crossing No. B-478.1-B, and the Taylor Yard separation should be identified as Crossing No. B-478.2-A.
- 11. The authority herein granted shall expire if not exercised within one year after the date hereof unless further time is granted by subsequent order.
- 12. Within thirty days after completion of each of the proposed structures, the parties shall notify this Commission in writing of that fact and of compliance with the conditions herein.

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

Dated at San Francisco, California,  
this 15<sup>th</sup> day of NOVEMBER, 1956.

*W. E. Mitchell*  
President  
*Roy L. Linterman*  
*Walter H. Owen*  
*E. L. Fox*

Commissioners

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX

Appearances

George D. Moe, for State Department of Public Works, applicant in Application No. 36593 and interested party in Application No. 37823.

Roger Arnebergh, City Attorney, by Alan G. Campbell, Assistant City Attorney, for the City of Los Angeles, applicant in Application No. 37823 and interested party in Application No. 36593.

Bailie, Turner, Lake & Sprague, by Richard A. Turner and Richard W. Sprague, and E. C. Woodward, for A. V. Handorf Estate and Executors thereof; Harold N. Johnson, First Assistant Chief Engineer, for Los Angeles Fire Department; Fred Weideman, for Community Bank; Mrs. J. L. Howell, for Jeans Bar; Clara McDonald, for Griffith-Elysian Chamber of Commerce; Joseph Taylor, for Taylor's Cleaners; John C. Holland, Councilman, 14th District, Ernest E. Debs, Councilman, 13th District, Joseph E. Lane, Antonio Corporales, Paul L. Cimino, Harold W. Gamba, Norman P. Mandel, Alvis C. Ray, Robert G. Nicholson, Walter M. Latendorf and R. P. Chala, James Kuromy, Mrs. Lula Fawcett and Mrs. Greta Johnson, in propria personae; protestants.

T. M. Chubb, Chief Engineer and General Manager, and R. A. Houseman, for Department of Public Utilities and Transportation of the City of Los Angeles; E. D. Yeomans and Walt A. Steiger, for Southern Pacific Company; Facht, Ross, Warne & Bernhard, by Samuel I. Barchas, for Van de Camp's Holland Dutch Bakeries, Inc., and Valley Maid Creameries; E. E. Bennett, for Union Pacific Railroad; H. E. Holley, for Los Angeles County Grade Crossing Committee; Al Latimer, Executive Assistant to State Senator Richards, for State Senator Richards; Brent Inman, for Cook Bros. Equipment Company; Edwin P. Martin, Deputy County Counsel; and J. Marvin Blair and Alvin C. White; interested parties.

Luther H. Gulick, Cyril M. Saroyan and Howard F. Christenson, for the Commission's staff.