

ORIGINALDecision No. 55895

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 Charles A. Zubieta, by
Charles A. Zubieta, for applicant.

George W. Ballard, for the Brotherhood of
 Railroad Trainmen, protestant.

Fred G. Kaller and G. R. Mitchell, for the
 Brotherhood of Locomotive Engineers, and
Charles J. Newell, for Brotherhood of
 Locomotive Engineers, Division 660,
 interested parties.

Lynn E. Hull, for the Commission staff.

O P I N I O N

By Decision No. 53614 dated August 21, 1956, and effective on said date, in Application No. 38304, the Commission ordered that the Los Angeles and Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company "for a period of one year after the effective date of the order, is authorized to deviate from the provisions of General Order No. 26-D in that the top of the rails under the Anaheim Viaduct (in the City of Los Angeles) 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 said authority was subject to the following conditions:

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

On July 31, 1957, the named railroads filed their first Supplemental Application in Application No. 38304 in which they request that the authority granted by Decision No. 53614 be continued for an indefinite period subject to the conditions set forth therein.

On August 13, 1957, the Commission extended the time granted by Decision No. 53614 to December 2, 1957.

A public hearing on the first Supplemental Application was held before Examiner Kent C. Rogers in Los Angeles on September 26, 1957, and the parties presented oral argument in Los Angeles on October 8, 1957. The matter is ready for decision.

The history of, location of and reasons why the applicants' San Pedro Branch passes under the Anaheim Street Viaduct with a clearance of only 18.3 feet are set out in Decision No. 53614. Briefly stated, the original overhead clearance at the Anaheim Street bridge was 22 feet 6 inches but due to the gradual subsidence of the land and the presence of the Dominguez Drainage Channel, the railroad bed on each side of the Anaheim Viaduct had to be raised leaving a sharp dip at the point the rails passed under the bridge. The track

is adjacent to the Dominguez Channel and in times of flood became impassible due to water standing in the dip.

In authorizing the impaired clearance for one year (Decision No. 53614, supra) the Commission advised the railroads (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.

Relative to the first suggestion, the head of the Bridge Division of the Board of Public Works of the City of Los Angeles testified that in his opinion the bridge cannot be raised 6 feet, the minimum distance the bridge would be raised, without destroying it inasmuch as it is a reinforced concrete structure. He further stated that the estimated cost of raising the structure is \$2,073,175 and that the only result of this expenditure would be that persons and vehicles using the bridge would be required to travel up and down to or from a 6-foot higher bridge which is an economical disadvantage. It was his opinion that the city will not undertake to raise the bridge.

Concerning the second suggestion the applicants presented evidence relative to three methods of by-passing the viaduct (Exhibit No. 7), the cost thereof, and the hazards involved.

Route No. 1 would cost approximately \$324,084 including the construction of a bridge across the Dominguez Channel at an estimated cost of \$175,940. On a portion of this route between Thenard Junction and Alameda Street the Southern Pacific operates two freight trains each way per day and the Harbor Belt Line operates

from six to eight lots of cars per day in each direction. The Southern Pacific uses the tracks whenever necessary, and the Harbor Belt Line runs on schedule or as the service requires. If the applicants used the said route, dispatching would have to be inaugurated.

In addition, grade crossings would be made at Henry Ford Avenue and Alameda Street, Anaheim Street, Alameda Street, Henry Ford Avenue and Pennington Avenue on all of which streets there is heavy vehicular traffic.

Route No. 2 would cost approximately \$190,841. This route would cross the Southern Pacific-Harbor Belt Line tracks at approximately right angles and cross Anaheim Street at grade into the Mead Yard. The proposed movement would block Anaheim Street, the Pacific Electric tracks and the Southern Pacific tracks for lengthy periods while cars are being set out at Mead yard and would require a brakeman to warn traffic using Anaheim Street during the train movements.

Route No. 3 would cost approximately \$132,759. It would require the train to head into the Southern Pacific freight yard in Long Beach and back into the Mead Yard, a distance of approximately 4,800 feet. Such a route, in addition to crossing very busy Anaheim Street at grade, would interfere with Harbor Belt Line operations. In addition, as the ultimate destination of the train is Terminal Island, additional maneuvering would be required to have the train headed for that location.

The Union Pacific Railroad's Division Superintendent testified that all conditions of Decision No. 53614, supra, have been complied with and that the operations under the Anaheim Street Viaduct

are not unduly hazardous to train or yard employees. The witness also testified concerning the hazards of the three proposed methods of by-passing the Viaduct. If route No. 1 were used, he said, on a portion of the route applicants' trains will be moving against and with Harbor Belt Line and Southern Pacific trains, and the trains would move over five grade crossings, of which Henry Ford Avenue, Pennington Avenue and Alameda Street are very heavily traveled. If route No. 2 were used there would be a grade crossing at Anaheim Street and a probable breaking of the train at that point with hazardous backing movements requiring flagging during early morning hours or in dense fogs. If route No. 3 were used there would be a movement across Anaheim Street and a backup movement into Mead Yard with the same backing movement in the reverse direction.

Commission staff witnesses testified that in their opinion the present operation is the safest for the general public as compared to the three alternate proposals herein discussed. ✓

A civil engineer employed by the Los Angeles County Flood Control District testified that Dominguez Channel is to be realigned somewhat east of the existing channel which would entail the movement eastward of the tracks in question and the possible closing of Pennington Avenue or the movement of said street approximately 100 feet eastward with the result that the tracks under the Anaheim Viaduct would not cross Pennington Avenue. He also testified that if the tracks were relowered to 22.5 feet from the bottom of the bridge there would be danger from flood waters under the bridge. The moving of the flood control channel, he said, is in the planning stage and it is hoped that it will occur in a few months.

On oral argument the applicants' attorney pointed out the things we have heretofore commented on. The protestant objected to any extension of the authority granted by Decision No. 53614 to deviate from the overhead clearance requirements of General Order No. 26-D. It was its advocate's position that the three alternate routes proposed in Exhibit No. 7 are the most extreme that could be envisioned. He said that the applicants are concerned with the safety of the trainmen on the ground but not on the tops of the cars. He requested that the Commission compel the railroads to fully comply with the previous decision and survey the feasibility of a direct connection with Southern Pacific Railroad Company instead of the three circuitous routes suggested.

The staff representative stated that he did not agree that an 18-foot overhead clearance is safe for trainmen regardless of the conditions that might be placed around the operations and that the witnesses have testified that the operating conditions entailed by any of the three plans were not practical from an operating standpoint, and that hazards would be created. In his opinion, the alternate route plans did not appear feasible from an operating standpoint. He stated that from the cost standpoint the staff could not agree that the safety of an employee should be measured against dollars, and that because the flood control plans are in a state of flux and may be changed, and because of the continued subsidence in the area, immediate correction of the impaired clearance might entail a later change due to changes in plans. The staff, he said, does not feel that the situation should be corrected immediately but that an extension of time in which to remove the impairment would be reasonable.

We have reviewed the entire record herein including the arguments of the parties and are of the opinion that the order of Decision No. 53614 should be continued in effect for a reasonable time to enable the situation relative to street crossings to become permanently established. Inasmuch as the Commission has continuing jurisdiction in such matters no definite period will be established. Applicants are advised however, that this is not and will not be a permanent order and that they are expected to provide a method of service which will not require passing under impaired overhead clearances at the earliest practicable date.

O R D E R

Good cause having been shown,

IT IS ORDERED that the authority granted by the order of Decision No. 53614, dated August 21, 1956, in Application No. 38304, is continued in effect until further order of this Commission, subject to all conditions set forth in said order.

The effective date of the order is the date hereof.

Dated at San Francisco, California,
this 3rd day of December, 1957.

[Signature]
President
[Signature]
[Signature]
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Commissioners