

ORIGINAL

Decision No. 55974

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
SOUTHERN PACIFIC COMPANY and LOS)	
ANGELES and SALT LAKE RAILROAD)	Application No. 3346
COMPANY for approval of agreement)	
for joint terminal facilities in)	
Los Angeles, California.)	

E. D. Yeomans, for applicant.

George W. Ballard, for the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen; T. M. Chubb by Thomas V. Tarbet, for the Department of Public Utilities and Transportation of the City of Los Angeles; G. R. Mitchell, for the Brotherhood of Locomotive Engineers; Charles H. Lang, for Switchmen's Union of North America, AFL-CIO, Los Angeles Central Labor Council; interested parties.

L. E. Hull, for the Commission staff.

O P I N I O N

By order dated August 20, 1957, the above proceeding was reopened "for the purpose of determining whether Decision No. 18593 dated July 8, 1927, Decision 38108 dated July 27, 1945, and Decision No. 40975 dated December 1, 1947, should be rescinded, altered or amended in whole or in part."

A public hearing on the instant order was held on November 18, 1957, in Los Angeles, before Examiner Grant E. Syphers, at which time evidence was adduced and the matter submitted.

This reopening was occasioned due to informal complaints which have been made relative to the operation of the Southern Pacific freight trains on Alameda Street between College Street on

the north, and East 15th Street on the south. Decision No. 18593, dated July 8, 1927, so far as it related to the specific matter herein under consideration, required the Southern Pacific Company to abandon and discontinue passenger and freight train service over its tracks on Alameda Street between College Street and East 15th Street, "excepting only industrial freight-switching service during hours hereinafter to be prescribed by proper authority ..."

Decision No. 38108, dated July 27, 1945, permitted the Southern Pacific Company to make certain types of freight and switching movements over these tracks, the order describing the type of movements permitted and the hours during which they might be conducted.

Decision No. 40975, dated December 1, 1947, further amended the requirements as to the train movements that may be made over the said tracks.

Testimony presented by the railroad disclosed that since December 1, 1947, certain changes affecting the train operations on Alameda Street have come about. The Central Station Yard on Alameda Street between 4th and 6th Streets was retired in 1956. The effect of this was to reduce switching operations on Alameda Street. Additionally, the Los Angeles Ice and Cold Storage Company has discontinued the operation of its plant on Alameda Street in the general vicinity of 4th Street and the train operations occasioned by that plant now have been eliminated. Furthermore, the Puente by-pass line has been constructed by the Southern Pacific Company and this has tended to divert some traffic from Alameda Street. Finally, it was contended that there has been a general decline in carload traffic in the vicinity. Exhibit No. 3 shows the number of train movements in question during the month of October 1957 during certain designated hours.

So far as the vehicular traffic is concerned, it was testified that this likewise has been reduced on Alameda Street since 1947. This has been occasioned principally by two changes: (1) most industries now are operating on a five-day week whereas formerly they were operating six days a week, and (2) the freeways have diverted vehicular traffic from this area.

The railroad witness further testified that there have been but four accidents to railroad employees in the area in question during the past 15 years. None of these has been fatal.

The City of Los Angeles presented studies of vehicular traffic over the street area in question, which studies are summarized on Exhibits Nos. 1 and 2.

The railroad, by Exhibit No. 4, submitted suggested changes so as to permit the train movements to conform to modern conditions and the staff of the Commission, by Exhibit No. 5, submitted similar suggestions.

It was the position of the union representatives that during the past few years there have been frequent informal complaints alleging that the railroad has violated the provisions of Decision No. 40975 supra. Accordingly it was requested that a full and complete investigation of these informal complaints be made prior to considering a revision of Decision No. 40975. The railroad and the staff representatives took the position that the decision should be clarified inasmuch as it is difficult under the present wording to know what was intended and there has been much confusion resulting therefrom. Therefore, it was contended that a formal investigation would serve no purpose unless and until the meaning of the existing order is clarified.

A consideration of all of the evidence adduced herein leads us to conclude and we now find that the provisions of Decision No. 40975, supra, should be clarified. This will be done in the ensuing order.

In the light of this record that there have been but four injuries in the last 15 years, and due to the contentions that the present order is ambiguous, the request for an order of investigation as to alleged violations of Decision No. 40975, supra, will not be granted at this time.

O R D E R

An order of reopening as above entitled having been issued, a public hearing having been held thereon, the Commission being fully advised in the premises and good cause appearing,

IT IS HEREBY ORDERED that the Southern Pacific Company is authorized to deviate from the provisions of condition 3 of the order in Decision No. 18593 (30 C.R.C. 162) as follows:

(1) Southern Pacific Company may make through movements of light engines or of cuts or strings of cars (not including through or local trains) on Alameda Street, Los Angeles, between College and East 15th Streets, provided:

- a. No such movements of light engines or cars shall be made between the hours of 6:30 a.m. and 9 a.m., between the hours of 11 a.m. and 2 p.m., or between the hours of 4 p.m. and 6:45 p.m., provided that deviation from this provision, as it pertains to the movement of light engines, is authorized upon obtaining specific authority from the Chief Engineer and General Manager of the Board of Public Utilities and Transportation of the City of Los Angeles or his duly authorized representative and except as provided in (1)d hereof.

- b. Not more than 4 such movements, of not to exceed 20 cars, shall be made between the hours of 9 a.m. and 11 a.m., and not more than 1 such movement, of not to exceed 30 cars, and not more than 1 such movement, of not to exceed 20 cars, shall be made between the hours of 2 p.m. and 4 p.m., provided that no 2 such movements shall be made within 10 minutes of each other except as provided in (1)d hereof.
- c. Such movements may be made as necessary between the hours of 6:45 p.m. and 6:30 a.m., provided that no cuts or strings of cars shall exceed 40 in number, including the caboose.
- d. In addition to the hours specified in (1)c hereof, on Saturdays, Sundays, and Holidays, such movements may be made as necessary between the hours of 6:30 a.m. and 4 p.m., provided that no 2 such movements shall be made within 10 minutes of each other and that not more than 30 cars including the caboose shall be moved in any one cut or string of cars. For the purposes of this paragraph and paragraph (2)b, Holidays shall be: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas.

(2) Southern Pacific Company, in the performance of industrial switching service in the district on Alameda Street between College and East 15th Streets, Los Angeles, shall operate as follows:

- a. Switching operations may be conducted as necessary between the hours of 6:45 p.m. and 6:30 a.m., provided that no switching operations shall be conducted between the hours of 6:30 a.m. and 6:45 p.m. except as provided in (2)b hereof.
- b. In addition to the hours specified in (2)a hereof, on Saturdays, Sundays, and Holidays, as defined in paragraph (1)d hereof, industrial switching may be conducted as necessary between the hours of 6:30 a.m. and 3 p.m., provided that no switching shall be conducted between the hours of 3 p.m. and 6:45 p.m.

(3) When especially urgent movements are involved, the Board of Public Utilities and Transportation may grant special permission upon request.

(4) No cut in excess of five cars shall be operated along Alameda Street unless air is connected and operative throughout the entire length of the cut.

(5) Except when shunting cars incident to switching operations, cars shall not be pushed ahead of locomotives.

(6) All operations in said district shall be subject to and limited by the terms and provisions of the applicable city ordinance, and such other provisions as may be agreed upon between applicant and the Board of Public Utilities and Transportation of the City of Los Angeles.

(7) Time specified herein shall be standard time or daylight saving time, whichever may be in effect.

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

Dated at San Francisco, California, this 16th day of December, 1957.

John C. Mitchell
President
Paul L. Bremer
William J. Deady
R. Hardy
E. Lynn Fox
Commissioners