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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the safety,
 maintenance, operations, use and
 protection of grade crossings
 over the Southern Pacific Company's
 El Paso Line at Mile Post 502.96,
 Mile Post 503.36, Mile Post 503.9
 in the City of Industry, County
 of Los Angeles, and into the
 necessity of developing additional
 crossings along the Southern
 Pacific Company's El Paso Line
 between Anaheim-Puente Road and
 Nogales Street in said City of
 Industry.

Case No. 7575

Robert G. Beverly, Robert S. Rope and Ellsworth
J. Epperson for City of Industry; Richard W.
Andrews for Los Angeles County Road Department;
E. D. Yeomans for Southern Pacific Company;
Graham R. Mitchell for Brotherhood of Locomotive
Engineers; Stanley Goldsmith for property owners;
Helen Walsh, property owner, for self; C. Fred
Matgen for Academy Ribbon Mills, and James M.
Stafford for Western Cattle Feeders, Interested
parties.
Elmer Sjostrom for Commission staff.

O P I N I O N

This investigation was instituted on the Commission's
 own motion into the safety, maintenance, operation, use and
 protection of grade crossings over the Southern Pacific Company's
 El Paso Line at Mile Posts 502.96, 503.36 and 503.9, between
 Anaheim-Puente Road and Nogales Street in the City of Industry,
 County of Los Angeles, for the purpose of determining whether or
 not the public safety and health require (1) the closing of said

crossings or any of them, (2) the reconstruction, relocation or alteration of said crossings, (3) the installation and maintenance of additional protective devices or the alteration of existing devices at said crossings, and (4) prescribing the terms on which any such crossing reconstruction, relocation, alteration, installation or maintenance of protection shall be done, and (5) making such apportionment of costs as appears just and equitable.

A public hearing was held in the City of Industry on October 9, 1963, before Examiner Chiesa. Oral and documentary evidence having been adduced the matter was submitted for decision.

The evidence shows that:

The three crossings that are being considered in this investigation are located at Mile Posts 502.96, 503.36, and 503.9 along the main line of the Southern Pacific Company's El Paso Route. There is also a siding track south of the main line at Mile Posts 502.96 and 503.36 and two spur tracks to nearby industries. Said crossings are within the City of Industry, Los Angeles County, and are located between Anaheim-Puente Road and Nogales Street. The surrounding area is bounded by Anaheim-Puente Road on the west, Valley Boulevard and the Southern Pacific mainline on the north, Nogales Street on the east, and the Union Pacific and the proposed Pomona Freeway on the south. The distance between Anaheim-Puente Road and Nogales Street is approximately 2.4 miles, and the distance between Valley Boulevard and the proposed Pomona Freeway varies from 0.6 to 0.8 of a mile. Running through the area in a meandering line and generally in an east-west direction, is the San Jose Creek which is to be improved by the County Flood Control District. The land use in said area is being converted from agriculture to industry.

Each of said crossings came into being through agreements between landowners or users and the Southern Pacific Company. There are no other publicly used crossings over the railroad between Anaheim-Puente Road and Nogales Street. Along this 2.4 miles segment of the main line of the Southern Pacific Company and northerly thereof, Valley Boulevard, a major east-west highway, runs parallel with and contiguous to the railroad right of way. From said highway the crossings lead southerly across the tracks to several industries situated along the southerly boundary of the right of way.

The following conditions exist at the crossings,

(Exhibit 1):

Crossing at Mile Post 502.96 consists of one main line and one siding track. The width of the crossing is 30 feet and approaches on the north are 28 feet and on the south 24 feet. There are four boulevard stop signs, one reflectorized advance warning sign and a private property sign. Crossing is paved with asphalt, while the approaches are dirt and gravel, the condition of the paving being fair while the approaches are poor. An open gate is located at the south right of way line. The grades of approach are 6.5% on the north, and 5.0% on the south. A switch to an industry spur is located 50 feet east of the crossing. A break in the raised center divider on Valley Boulevard allows vehicles using the crossing to make left turns into and out of Valley Boulevard. This crossing is used as access into the Los Angeles Livestock Market.

Crossing at Mile Post 503.36 consists of one main line and one siding track. The width of the crossing and approaches is 31 feet. There are two Standard No. 1 reflectorized crossing signs at this location, two boulevard stop signs and a private property sign. Crossing and approaches are paved and in good condition.

The grades of approach are 5.7% on the north, and 2.9% on the south. Approximately 70 feet south of the siding track is located a paved roadway 20 feet wide which runs 500 feet westerly from the crossing to the Air Reduction Chemical and Carbide Company, and 375 feet easterly to the State Steel Industries. Other undeveloped industrial property is located between these two industries along said 20-foot paved road. A raised center divider 4 feet wide on Valley Boulevard extends 50 feet east of the crossing, thus prohibiting left-turn movements from this street. A switch to an industry spur is located 154 feet east of the crossing.

Crossing at Mile Post 503.9 consists of one main line track. The width of the crossing is 28 feet and approaches are 24 feet. A private property sign is located in the northwest quadrant. Crossing is paved with asphalt while the approaches are dirt and gravel. Both the crossing and approaches are in poor condition. The grades of approach are 4.4% on the north and 5.5% on the south. The switch to the siding track is located 68 feet west of the crossing. A break in the raised center divider on Valley Boulevard allows turning movements from the crossing as well as from Yorbita Road which is directly across from the crossing. This crossing is used as an access to Academy Ribbon Mills and other private property. Until recently, this crossing also provided means of access to a swimming pool and picnic area that was open for use by the general public during the summer months. Access to the swimming pool and picnic area was barricaded on November 25, 1962.

Although said crossings were originally established by agreement between the railroad and the respective private parties, at the expense of the latter, they have been and are now used by the public and the personnel of the several businesses served by the crossings. There are no gates restricting passage over any of said three crossings, although each is marked with a private property sign. Anyone traveling along Valley Boulevard may turn southerly over the crossings and return to the boulevard, except at Crossing No. 503.36 where a left turn cannot be made due to a raised center divider.

A 24-hour vehicle count made at each of said crossings in May of 1963 shows that 258 vehicles used Crossing No. 502.96, 154 used Crossing No. 503.36, and 123 used Crossing No. 503.9. The principal users were employees and others having business with or at the said industries.

There are 6 passenger and 28 freight train movements, plus switching movements daily at said crossings. The authorized timetable train speeds are 70 miles per hour for passenger trains and 60 miles per hour for freight trains. Two persons were killed on August 4, 1951, and two were injured on July 24, 1957, at Crossing No. 502.96; and one person was injured on October 15, 1951, and one killed on October 29, 1960, at Crossing No. 503.36. Also, there was one person killed and three injured on June 3, 1960, at a crossing at Mile Post No. 504.3 situated approximately one-half mile west of Nogales Street. The latter crossing is now used only for access to grazing land south of the railroad and its use is restricted by a locked gate.

The area served by the crossings in question is rapidly changing from agricultural to industrial and as there is a considerable amount of vacant industrial land in the immediate vicinity, an increase in vehicular traffic over said crossings becomes apparent.

It is the position of the Commission's staff that said crossings, under present conditions, are not safe and, therefore, either the protection must be improved or the crossings should be

closed; that there will be more frequent use resulting from the industrial development of the property in the immediate vicinity; and that accidents will increase because of the present inadequate protection and the number and speed of train movements. For several years members of the staff have been discussing and negotiating with representatives of the city and the railroad for the purpose of eliminating the hazards at said crossings.

The Flood Control District and the City of Industry have practically agreed on a proposed realignment of San Jose Creek between Anaheim-Puente Road and Nogales Street. Such improvement will enable the city to proceed with pending plans to improve the area with new roads and streets that would permit a southern approach or access to all existing facilities. It was estimated that the San Jose Creek realignment could be completed in less than two years, probably in 18 months. The channel improvement contemplates a road along each side of the creek and the city is planning other access streets. It does not, however, propose the construction of any public crossings over the Southern Pacific Company's tracks between Anaheim-Puente Road and Nogales Street. After the industries situated south of the right of way are provided other access, need for the crossings will be eliminated. The city is not opposed to the improvement of the present crossing protection but does object to the staff's recommendation that two Standard No. 8 flashing light signals be installed at each of said crossings, on the grounds that the estimated expense of \$10,000 to \$12,000 per crossing is not justified if the crossings are to be closed within a two-year period. An assistant city attorney testified that the city favors the elimination of as many grade

crossings as circumstances justify, and that with respect to the three crossings in question, it is the city's contention that said crossings exist by reason of private agreements with the railroad, and are not dedicated public roads.

A witness for the County of Los Angeles read a letter dated April 5, 1963, addressed to the Commission by the County Road Commissioner, indicating the county's disinterest in the matter, "inasmuch as the crossings in question are all access crossings to private ownerships and all crossings and areas made accessible are located within the City of Industry."

The railroad favors the closing of said crossings after other access is provided to property and industries south of its right of way. Pending such development it takes the position that the cost of improving crossing protection with flashing lights, as recommended by the Commission staff, is unrealistic in view of the twelve-year accident record and short period that will elapse before other access is available. The railroad's engineer estimated that the cost of installing two Standard No. 8 flashing light signals at each of the three crossings would be between \$10,000 for the crossing at Mile Post No. 503.9 and \$20,050 for Mile Post No. 503.36 crossing. It was his recommendation that present crossing protection be improved, pending closing, by widening crossings and approaches, smoothing road surfaces, and adding stop signs and private crossing signs. He estimated that it would take at least six months to complete the staff recommended crossing protection.

Other interested parties who testified generally agreed that additional crossing protection is desirable but objected to

the proposed improvements because of the high costs and limited period of use. They offered no evidence justifying the retention of the crossings after other access is provided to their respective properties. The evidence shows that the crossings were established by agreement with the railroad and that cost of any improvements would be borne by the individuals or companies and not by the railroad.

Based upon the evidence we find that:

1. The grade crossings at Mile Posts 502.96, 503.36, and 503.9 over the Southern Pacific Company's El Paso Line in the City of Industry are now and for several years have been publicly used crossings and were originally established and are maintained pursuant to agreements with said railroad.

2. The present protection at each of said crossings and the condition of the roads and approaches thereat are hazardous and inadequate for the public safety and health of the users.

3. Public safety and health require the improvement of the aforesaid crossings and approaches thereto, and the installation and maintenance of additional protective devices or the alteration of existing protective devices.

4. Pending the improvement of the San Jose Creek channel by the Flood Control District and the access streets and roadway in the vicinity of the aforesaid crossings by the City of Industry the improvements and crossing protection hereinafter set forth are justified on a temporary basis only.

5. An increase in future traffic volumes may be anticipated; turning movements from the parallel roadway of Valley Boulevard are hazardous and trains proceed through said crossings at high speeds.

Based upon the foregoing findings, we conclude that:

1. The provisions of Section 1202 of the Public Utilities Code are applicable.

2. Interim improvements and crossing protection should be made and installed as set forth in the ensuing order.

3. The closing of said crossings is justified and should be ordered as hereinafter provided.

4. The City of Industry should diligently progress means to provide alternate access to the industries involved herein, and should keep the Commission advised as to such progress. If it appears that work is not progressing satisfactorily, or that the realignment of San Jose Creek is not settled promptly, the Commission should take steps to require automatic protection at the three crossings.

O R D E R

IT IS ORDERED that:

1. The Southern Pacific Company shall, on or before ninety days from the effective date of this order, provide additional crossing protection and improve the grade crossings over the El Paso Line at Mile Posts 502.96, 503.36, and 503.9, between Anaheim-Puente Road and Nogales Street, in the City of Industry as follows:

Crossing at Mile Post 502.96

1. Repave crossing and pave approaches to a width of 30 feet.
2. Install two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.

Crossing at Mile Post 503.36

No changes.

Crossing at Mile Post 503.9

1. Repave crossing and pave approaches to a width of 30 feet.

2. Install two Standard No. 1 crossing signs (General Order No. 75-B) with reflex reflecting sheet material.
3. Install two boulevard stop signs.

In addition there shall be compliance, at the above locations, with Section 7604 of the Public Utilities Code which requires the sounding of bell or whistle signals at street, road or highway crossings.

2. The allocation of the costs of said improvements shall be in accordance with the terms of the agreements establishing said crossings. Should the parties fail to agree on the payment of said costs the Commission will apportion the costs by further order.

3. Upon completion of said improvements the Southern Pacific Company shall so advise the Commission in writing.

4. In the event that said crossing improvements are not completed in the manner and within the period provided in paragraph 1 hereof, said crossings shall be closed forthwith. ✓

5. In the event that said crossings are improved as provided in said paragraph 1, they may remain open to public use until such time as other access roads or streets are provided for the industries which are now being served by said crossings. However, notwithstanding any interim improvements, said crossings shall be permanently closed on or before December 31, 1965.

6. The City of Industry shall report to the Commission every six months, beginning six months from the effective date of this order, as to steps taken and progress made in providing alternate means of access to the areas presently served by the three crossings.

7. The City of Industry shall also report to the Commission as soon as final agreement is reached with the Los Angeles County Flood Control District for the realignment of San Jose Creek.

8. Within thirty days of the closing of said crossings as provided in paragraph 4, or paragraph 5, hereof, the Southern Pacific Company shall so advise the Commission.

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

Dated at San Francisco, California, this 17th day of MARCH, 1964.

Holloman C. Bennett
President
Everett C. McKeage
George F. Trover
Fredrick B. Haloboff

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.