

ORIGINAL

Decision No. 68710

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of LOS ANGELES & SALT LAKE RAILROAD COMPANY and its Lessee, UNION PACIFIC RAILROAD COMPANY, for an order authorizing the construction, maintenance and operation of two industry spur lead tracks over and across Don Julian Road in the City of Industry, County of Los Angeles, State of California.

Application No. 46188
(Filed February 10, 1964)

Investigation into the safety, maintenance, operation, use and protection of the crossing at grade of the tracks of the Los Angeles and Salt Lake Railroad Company and its lessee the Union Pacific Railroad Company with Don Julian Road in or near the City of Industry, Crossing No. 3-17.1-C.

Case No. 7997

Richards, Watson & Hemmerling, by J. Kenneth Brown, for respondents.
Marshall W. Vorkink, for applicant in A-46188 and respondent in C-7997.
Lawrence Q. Garcia, for the Commission staff.

C P I N I O N

These matters were heard in Los Angeles before Examiner DeWolf on September 28, 1964, and submitted on said date.

The Los Angeles & Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company, (Railroad) filed their application on February 10, 1964, to construct, maintain and operate in the City of Industry, County of Los Angeles, State of California, two industry spur lead tracks over and across Don Julian Road.

The Commission, on its own motion, on September 1, 1964, instituted an investigation into the safety, maintenance, operation, use and protection of the spur track grade crossing of Don Julian Road, Crossing No. 3-17.1-C in the City of Industry and for the purpose of determining whether or not the public safety and health require the reconstruction, relocation, or alteration of the aforesaid crossing or require the installation and maintenance of additional protective devices thereat, or require alteration of existing protective devices, or require the abolition of said crossing, and for prescribing the terms on which any such reconstruction, relocation, alteration, abolition, installation or maintenance of protection shall be done, and for making such apportionment of cost among the parties hereto, or any of them, which appears just and equitable, and for entering any other orders which may be appropriate.

The investigation in Case No. 7997 was consolidated with Application No. 46188 for hearing, for the reason that the proposed additional crossings of Don Julian Road are on the same lead track of the Railroad and a short distance to the west of the existing crossing.

This lead track was opened in 1960 and serves a new industrial subdivision in the City of Industry; it leaves the Railroad's main line proceeding northwesterly of and parallel to 9th Avenue and crosses Don Julian to serve the only two existing plants in this portion of the tract. This crossing and the two proposed crossings are in undeveloped vacant land and the railroad crossings and street intersections are unobstructed by any buildings as the present plants are at some distance from the roads.

Exhibit No. 1 is a blue print of the lead track and the

proposed crossings and streets and existing buildings in the industrial subdivision. Exhibit No. 2 is the report of the investigation by a Commission transportation engineer.

Two witnesses testified on behalf of the Railroad that the two western crossings are at the end of two new spurs for undeveloped industrial land which is now vacant and that all switching movements of the Railroad are between 11:00 p.m. and 4:00 a.m. with four train movements per week and six cars per month into the Wilson Company in the eastern block which was installed in 1959.

A Railroad witness testified that a traffic study of Don Julian Road from 12:15 a.m. to 2:15 a.m., on September 22, 1964, showed that the average flow of traffic was 58 cars per hour on the west crossing and 22 cars per hour on the two east crossings and that no buses or trucks passed. The Railroad witness recommended that each of these three crossings be protected by two No. 1 reflectorized crossbucks.

A staff witness testified and filed a report marked Exhibit No. 2 in evidence which recommends that the three crossings be protected by the installation at each crossing of two Standard No. 8 flashing light signals. The staff report contains a daylight traffic count on Don Julian Road on September 15, 1964, from 6:00 a.m. to 8:00 p.m. showing a total of 5,613 vehicles traveling west of 7th Avenue and 2,131 vehicles traveling east of 7th Avenue, with a 24-hour estimate placed at 6,200 and 2,350 vehicles, respectively. The staff witness testified that the recommendations for crossing protection are also based on predictions of future traffic moving on Don Julian Road and not on present conditions.

Exhibit No. 1, a blueprint of the industrial tract, divides the area into approximately eight blocks all of which will be served by the east crossing of Don Julian Road, Crossing No. 3-17.1-C. Presently two plants are situated there. The two new proposed crossings to the west on Don Julian Road - Crossing No. 3-17.85-C and Crossing No. 3-17.57-C will each serve one block of this area south of Don Julian Road which is now undeveloped vacant land, and any switching across these crossings will be at the very end of the spur track.

The City attorney for the City of Industry joined in all respects with the recommendations of the Commission staff.

The Commission finds that:

1. Public convenience and necessity require that the Los Angeles & Salt Lake Railroad and its Lessee, Union Pacific Railroad, be authorized to construct two spur tracks at grade across Don Julian Road, one east and one west of 7th Avenue as delineated and marked on Exhibit No. 1 herein as Crossing No. 3-17.57-C and Crossing No. 3-17.85-C, respectively.

2. These two grade crossings are at the end of spur tracks upon which there is no immediate need for switching movements, the land is unoccupied and unobstructed at all intersections and cross streets and there are no buildings in the vicinity of the streets and track intersections. Reflectorized No. 1 crossbucks should be installed at these crossings.

3. Switching movements are now passing over the Eastern Crossing No. 3-17.1-C of Don Julian Road between the hours of 11:00 p.m. and 4:00 a.m. and all rail movements into this portion of the industrial subdivision will be required to pass over this crossing and the protection here should be by two Standard No. 8 flashing light signals.

Based upon the foregoing findings the Commission concludes that the following order should be issued.

O R D E R

IT IS ORDERED that:

1. Los Angeles & Salt Lake Railroad and its Lessee, Union Pacific Railroad Company, are authorized to construct two spur tracks at grade across Don Julian Road in the City of Industry, Los Angeles County, at the locations described in the application, to be identified as Crossing No. 3-17.85-C and Crossing No. 3-17.57-C, respectively. Applicants shall bear entire construction and maintenance expense. Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72 without super-elevation and of a width not less than 24 feet, with tops of rails flush with the roadway and with grades of approach not exceeding two per cent. Protection at each crossing shall be by two Standard No. 1 crossing signs (General Order No. 75-3), with reflex reflecting sheet material.

2. Within thirty days after completion of said construction pursuant to this order, applicants shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

3. Railroad shall install crossing protection at the existing crossing of Don Julian Road Crossing No. 3-17.1-C consisting of two Standard No. 8 flashing light signals (General Order No. 75-B) within six months from the effective date hereof.

4. The cost of installation of said flashing light signals at Crossing No. 3-17.1-C shall be assessed 50 per cent to the

Railroad and 50 per cent to the City of Industry. The maintenance costs of said protective devices shall be apportioned in accordance with an agreement between the City of Industry and the Railroad or, if they cannot agree, by further order of the Commission.

5. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing.

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

Dated at San Francisco, California, this 9th day of MARCH, 1965.

Frederick B. Holschoff
President
Arthur E. Bostick
George H. Grover
Angela
William W. Bennett
Commissioners