

ORIGINAL

Decision No. 69865

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN PACIFIC COMPANY for an order)
authorizing the construction at grade)
of a main track in, upon and across)
Tenth Street East and State Road)
No. VII-23-LA-E in the County of Los)
Angeles, State of California.)

Application No. 45589
(Filed July 9, 1963)

Randolph Kerr, for applicant.
George D. Moe, Melvin R. Dykman and
Alfred Gawthrop, by George D. Moe
and Alfred Gawthrop, for State of
California, Department of Public
Works; Richard W. Andrews and
Herbert Lehfeldt, for City of
Palmdale, interested parties.
W. F. Hibbard, for the Commission's
staff.

O P I N I O N

Applicant seeks authority herein to construct a main track at grade in, upon and across State Route 23 and Tenth Street East in the City of Palmdale, Los Angeles County.

Hearings on the above-entitled application were held before Examiner Rogers in Los Angeles on November 17 and 18, 1964, and the matter was submitted. Thereafter the matter was reopened and a further hearing was held before the same examiner in Los Angeles on April 8, 1965, additional evidence was presented and it was again submitted.

Applicant's main line of tracks from San Francisco to Los Angeles in the vicinity of the City of Palmdale (City), Los Angeles County, California, is along and approximately

parallel to Sierra Highway, also known as State Highway 23 (Highway), for several miles on each side of the City. The main line connects in the City of Los Angeles with applicant's main line to El Paso, Texas, and other southern and eastern points. In the City proper, the main line right of way is on the west side of the Highway. Approximately one mile south of the City, the Highway (going north) veers from the west side of the main line to the east side (Crossing No. B-416.6) and remains there through the City for a distance of approximately 4,500 feet, at which point (Crossing No. B-412.8) the Highway again crosses the main line and is on the west side thereof. Each of said crossings is protected by four No. 8 flashing light signals. Automatic gates are to be added to the protection of said crossings in the immediate future.

The Palmdale-Colton Cutoff (Cutoff) hereinafter referred to is a main line which will extend from the main line (Mile Post 414.326) across existing Sierra Highway (Mile Post 414.497) and 10th Street East (Mile Post 414.792) to Colton (Exhibit No. 12). It is contemplated that there will be approximately 46 crossings of the Cutoff by streets or highways. Approximately 15 of these crossings are proposed to be at separated grades; the balance, including Sierra Highway and 10th Street East, are proposed by applicant to be at grade.

The Antelope Valley Freeway (Freeway), which is under construction and has been completed from a junction with U. S. Highway 99 north of the City of San Fernando on the south to a

point approximately four and one-half miles south of the City, is scheduled to be completed to a point north of the City in 1966. This scheduled section will be approximately one mile west of the Highway and the main line through the City.

The Highway is 40 feet in width with 24 feet of paving marked for two lanes of travel plus two shoulders each eight feet in width. During a one-week check made for the period of Friday, March 19, through Thursday, March 25, 1965, the average daily traffic through the City on the Highway at the site of the switch for the Cutoff was 10,800 vehicles. During this period, the greatest volume of traffic was 15,800 vehicles on Sunday and the lowest volume of traffic was 8,630 vehicles on Tuesday. It is estimated that when the Freeway is opened to a point north of the City in the fall of 1966, the average daily traffic on the Highway will decrease to approximately 5,000 vehicles per day and will return to its present volume in from five to ten years and could increase to an average of 18,000 vehicles per day in 1980.

At Avenue R, which is approximately 1,500 feet north of the proposed crossing of the Highway by the Cutoff, the Highway veers east approximately 150 feet. Plans have been made to relocate the Highway so it will cross Avenue R in a straight line at approximately a 90° angle and, proceeding south from Avenue R, will cross the site of the Cutoff at an angle of approximately 40°, and will completely merge with the existing line of the Highway approximately 800 feet south of

the Cutoff crossing. Work on this realignment may commence within six months. In addition to crossing the Highway, the Cutoff will cross 10th Street East in Palmdale as stated below, but all parties agree that this latter crossing should be at grade.

The applicant will pay all costs of paving both crossings, if at grade, the maintenance of the Highway for two feet outside of the rails, and the costs of installing and maintaining all signal protection including gates. The applicant estimated that the cost of improving and protecting each grade crossing will be from \$18,000 to \$22,000. If the crossing is authorized at the present Highway location, and the Highway is subsequently realigned, applicant will pay for moving the crossing protection to the new Highway route. These expenses are estimated by applicant to be between \$1,500 and \$2,000.

The Highway is a State Highway which, upon the completion of the Freeway, will revert to the control of Los Angeles County and the City, but the Division of Highways of the State of California (Division) will improve the Highway prior to relinquishing control thereof.

The City Administrator stated that the City and the Division have discussed the realigning of the Highway south of Avenue R as hereinbefore stated, but allowing for a four-lane highway; that the Division will provide the plans and the survey and the cost of paving a four-lane highway, and the City will acquire the right of way. It was his understanding, he said,

that the Division has budgeted the funds for its share of the work. He said the problem is that, if a grade separation is required on the existing alignment, the future alignment would be in jeopardy and if the Highway is realigned, there is no need for a grade separation on the existing Highway alignment. The position of the City is that when the Freeway is completed, there will be a considerable reduction in traffic; that this portion of the Highway will no longer carry through traffic, but only local traffic; and that the City has no objection to either a grade crossing or a separation of grades.

A witness for the Division testified that if the Highway is realigned, it will cost approximately \$66,250, of which \$26,350 would be the cost of realigning traffic signals and utilities at Avenue R, and \$39,900 would be the cost of moving utilities, paving, and contingencies on the realigned Highway. The 1965-1966 budget of the Division has allocated \$50,000 for the realignment of the Highway from Avenue R south as referred to herein.

The main line of applicant through the City is a single line of track with passing and siding tracks, none of which is in the City. The normal rail traffic thereon is 12 train movements per day in each direction of 70 to 100 freight cars, plus motive power. These trains operate at a permissive speed of 55 miles per hour and do not stop in the City.

The applicant presented two situations relative to the Cutoff. At the outset, it will be used as an industry spur track and will be approximately 3,300 feet in length from the switch point on the main line. The Cutoff will branch from the main line

at the southern boundary of the City (Mile Post 414.326), cross the existing Highway at an angle of approximately 17° (Mile Post 414.497) or the realigned Highway at an angle of approximately 40° (Mile Post 414.523), extend approximately 1,200 feet to 10th Street East (Mile Post 414.792), which it will cross at an angle of approximately 60° , and will terminate approximately 842 feet easterly of the latter street. Applicant owns industrial property east of the Highway, which will be served by the industrial track. This track is a portion of the Cutoff heretofore authorized by the Interstate Commerce Commission. The Cutoff is to be a main line of applicant, which will extend between the City and Colton, California, paralleling The Atchison, Topeka and Santa Fe Railway track above the City of San Bernardino. The Cutoff, which will be completed in 1966 as a single line, with necessary passing tracks, will be used exclusively for freight, and will be 78 miles in length. Through traffic from northern to southern points will be handled on trains assembled near Sacramento, California, without going through the City of Los Angeles as at present. There will be approximately three through trains in each direction per day on the Cutoff, with no switching operations across the Highway. This will reduce the number of trains on the main line by the same number. The longest trains, at 30 miles per hour, will require two minutes to cross the Highway. The rail distance from the City to the City of Los Angeles via the main line is 69 miles, and from Los Angeles to Colton is 57.1 miles, a total of 126.1 miles. The Cutoff will reduce the rail distance between Palmdale and Colton by approximately 48 miles and will reduce the time in transit by as much as one day.

The maximum grade of ascent from the City to Colton on the Cutoff will be 0.8 per cent. In the reverse direction, the maximum grade of ascent will be 2.2 per cent. On the main line through Saugus to Los Angeles, the maximum grade of ascent is 2.5 per cent. Trains on the Cutoff will be operated at a permissive speed of 55 miles per hour, and from the City switch point from the main line across the Highway at 30 to 35 miles per hour. The cost of the Cutoff is estimated at \$20,218,635. The route is designed to enable applicant's through traffic to avoid congestion and delay in the Los Angeles metropolitan area and, in addition, to meet competition from trucks.

The applicant, through an engineer, presented preliminary plans for a two-lane overpass over the Cutoff at its junction with the main line in the City (Exhibit No. 11). These plans show a two-lane bridge and highway the same width as the existing Highway, i.e., two 12-foot lanes plus two 8-foot shoulders, on the existing highway alignment. The witness estimated the complete cost of this facility, including approaches and an access road, to be not less than \$400,000. He said that the City wants a four-lane structure which would cost more and he did not estimate the cost of such structure on the realigned Highway.

The Division presented plans for a four-lane overpass using the realigned Highway south of Avenue R (Exhibit No. 15). Its witness stated that a two-lane bridge structure would cost \$86,000 and a four-lane bridge structure would cost \$170,000, and that neither figure includes the cost of paving or drainage on the bridge structure. He also testified that the cost of the

approaches on the two-lane highway would be \$65,400 and for a four-lane highway would be \$109,800; that the figures do not include the cost of paving on the structure and approaches and do not include the land values and damages. The Division will pave either the grade alignment of the Highway or the separation of grades, but the applicant would be required to build and pave the bridge structure and the City would be required to acquire all necessary land and rights of way.

A Commission engineer filed a report in which he recommended, inter alia, that the crossing of the Highway be at separated grades and that the crossing of 10th Street East be at grade. The basic factors which he considered in making his recommendation for a separation of grade at the Highway crossing were the anticipated volumes of rail and vehicular traffic; the fact that the Cutoff will be a main line of rail; and that the separation will eliminate delays to traffic. The applicant has proposed the type of protection recommended by the engineer at 10th Street East. The engineer agreed that the costs of grade crossings as estimated by the applicant are correct.

Findings

Upon the evidence herein the Commission finds that:

1. Applicant is a Delaware corporation doing business in California as a railroad corporation. It has a main line of rail extending from the north of the City through Saugus to the City of Los Angeles and a main line of rail from the City of Los Angeles through Colton to eastern and southern points. Both

interstate and intrastate freight traffic are carried on these lines. Applicant operates approximately 12 trains per day in each direction through the City.

2. Applicant has commenced construction on its Cutoff line. The Cutoff is a main line which will extend from the City to Colton, a distance of 78 miles. The line will require approximately two years to complete and work thereon will commence in the City at Mile Post 414.326.

3. When the Cutoff is completed, applicant will make up through trains in the vicinity of Sacramento with freight originating in California, or points north thereof, and destined for points east and south of California. Such trains will vary from 70 to 100 cars, plus motive power, in length. The trains will operate at a speed of 30 to 35 miles per hour at the switch point (Mile Post 414.326) across the Highway and on to the Cutoff. When the Cutoff is completed, trains will be operated thereover at a speed of 55 miles per hour, exclusive of the point of crossing. On the Cutoff, the maximum grade of ascent eastbound will be 0.8 per cent and westbound will be 2.2 per cent. Passing tracks will be constructed as necessary between the City and Colton.

4. In the City, applicant's single main line of track is immediately contiguous to and on the west side of the Highway. The switch point for the Cutoff will be approximately 1,500 feet south of Avenue R, the first street crossing the Highway to the north. Pending completion of the Cutoff, applicant will construct

approximately 3,300 feet of single line track from said Mile Post 414.326 across the Highway and across and beyond 10th Street East. This track will be an industry spur track and will assist in the development of an industrial area in and around the City. A large part of this area is owned by applicant.

5. The Freeway has been completed from the south to a point approximately four and one-half miles south of the City. It is under construction from the present terminus to a point north of the City and will be approximately one mile west of the Highway through the City. At present, the Highway through the City is a two-lane highway and is accommodating an average of 10,800 vehicles per day. In the City, the Highway is on the east side of the applicant's line of rail. Approximately one mile south of the City the Highway (going north) veers from the west side of the line to the east side (Crossing No. B-416.6) and remains there through the City to a point (Crossing No. B-412.8) where the Highway again crosses the line. Each of said crossings is protected by No. 8 flashing lights, and automatic crossing gates are to be added to said protection in the immediate future. The Highway veers 150 feet west at Avenue R. The Division will, within six months, relocate the Highway from Avenue R south in a straight line across and beyond the crossing of the Cutoff. The average daily traffic on the Highway will decrease to 5,000 vehicles per day when the Freeway is first completed through the City, return to the present volume in five to 10 years, and may increase to an average of 18,000 vehicles per day in 1980.

6. The Cutoff, when completed, will expedite through freight trains operating from San Francisco to points east and south of California, enable applicant to compete with truck transportation for interstate traffic, and enable applicant to avoid delay in the Los Angeles metropolitan area.

7. The No. 8 flashing lights and automatic crossing gates at each crossing herein considered will cost between \$18,000 and \$22,000 and the applicant will pay the cost of construction and maintenance thereof at each crossing. The crossing of the present Highway by the Cutoff would be at an angle of approximately 17° . The Highway is to be relocated in the near future by the Division of Highways. This relocation, including utilities, signals at Avenue R, and paving, will cost approximately \$66,250, of which \$26,350 is the estimated cost of work at Avenue R. When the relocated Highway is completed, the crossing angle of the Cutoff at the Highway will be approximately 40° . The crossing angle at 10th Street East by the Cutoff will be approximately 60° . If the Cutoff crossing is made at the existing location of the Highway at grade and the Highway is subsequently relocated, the additional cost to the railroad for changing the locations of the protection will be from \$1,500 to \$2,000 at each crossing.

8. The Division will apply the same amount of funds toward the cost of a separation of grades structure and approaches that it would pay for improving the highway south of Avenue R. The City has no preference for either a separation of grades or a grade crossing.

9. A separation of grades at the Highway and the Cutoff crossing would eliminate delays due to trains crossing the Highway. The trains will cross the Highway at 30 miles per hour and each train will require two minutes to cross the Highway. This time will be exclusive of the time required for advance warnings and operation of the automatic gates. There will be approximately three through trains in each direction per day over the Highway crossing when the Cutoff is completed.

10. Public convenience and necessity require that both crossings be authorized. Public safety requires that the crossing at Sierra Highway by the Cutoff be at separated grades. The public will be adequately protected if a grade crossing is authorized at 10th Street East under the conditions specified in the order herein.

Conclusion

The application for authority to construct the Cutoff across Sierra Highway at grade should be denied. Applicant should be authorized to construct the crossing of Sierra Highway by the Cutoff at separated grades and the crossing by the Cutoff of 10th Street East at grade, subject to the restrictions contained in the order herein.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company is hereby authorized to construct a single line of track at grade across 10th Street East to be identified as Crossing No. 3-414.792-C, subject to the conditions

set forth below. Construction at said crossing shall be equal to or superior to Standard No. 2 of General Order No. 72, with grades of approach not exceeding two per cent. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B), supplemented with automatic crossing gates.

2. The costs of installing and maintaining crossing protection and the costs of installing and maintaining the grade crossing within lines two feet outside the rails shall be borne by the Southern Pacific Company.

3. Applicant is authorized to construct a crossing of Sierra Highway at separated grades. Said crossing shall be constructed on either the present alignment (Mile Post 414.497) or the proposed realignment of Sierra Highway, whichever the parties determine. Costs shall be apportioned by agreement between the Department of Public Works, the City of Palmdale, and the Southern Pacific Company. If the parties are unable to agree on the location of the crossing of Sierra Highway or the division of costs, a further hearing will be held for such determination on petition by any of the said parties.

4. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year, unless time be extended, or if the above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Frederick B. Hatchett
President
George L. Brewer
George L. Brewer
Attorney
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.