

**ORIGINAL**

Decision No. 70680

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use and protection of the crossings at grade of Sepulveda Boulevard and the tracks of Southern Pacific Company, Crossing No. BG-500.0; and Pacific Electric Company, Crossing No. 6M-17.15, in the County of Los Angeles.

Case No. 8081  
(Filed December 15, 1964)

Randolph Karr, for Southern Pacific Company;  
Harold W. Kennedy, County Counsel, by  
Ronald L. Schneider, for County of  
Los Angeles, respondents.  
G. R. Mitchell, for Brotherhood of Locomotive  
Engineers, interested party.  
John C. Gilman and William F. Hibbard, for the  
Commission staff.

O P I N I O N

A public hearing on the above-entitled matter was held before Examiner DeWolf in Los Angeles on October 4 and 5, and November 8, 1965, and the matter was submitted subject to the filing of concurrent briefs. Briefs were filed by the Southern Pacific Company (Railroad) and the Commission staff.

At the conclusion of the staff's presentation counsel for the Railroad moved for dismissal on the ground that there was a failure of proof to support any order changing the existing protection at the crossing. This motion was taken under submission. It will be denied.

The investigation concerns the crossing at grade of Sepulveda Boulevard and the tracks of Southern Pacific Company, Crossing No. BG-500.0, and of the Pacific Electric Railway Company, Crossing No. 6M-17.15, in the County of Los Angeles. It is to determine, among other things, whether or not public safety, convenience, and necessity may require the installation of protective signs or devices thereat, or the relocation and reconstruction thereof, or may require the abolishment of such crossing by physical closing or by closing thereof to public use, and if any changes are made, on what terms the work should be done and how the cost should be apportioned.

The Commission staff, respondent Southern Pacific Company, County of Los Angeles, and Brotherhood of Locomotive Engineers appeared and introduced extensive oral and documentary evidence in three days of hearing. Pacific Electric Railway Company did not appear. Sixteen exhibits were received in evidence. Exhibit 7 is a staff report, dated May 21, 1965, and Exhibit 8 is a staff report, dated September 27, 1965. The other exhibits were introduced by Southern Pacific Company.

An Associate Transportation Engineer of the Commission staff investigated the crossing, made the reports thereon (Exhibits 7 and 8) and testified that Exhibit 8 was introduced to make corrections in Exhibit 7, delete references to Pacific Electric Railway Company, and to revise Exhibit 7.

The staff report and testimony may be summarized as follows: ✓

Sepulveda Boulevard is a major east-west Los Angeles County road and the crossings are adjacent to Alameda Street, a major north-south County road. The area is given over to heavy industry. West of the tracks, the Richfield Refinery is on the north side of Sepulveda Boulevard and the Shell Refinery is on the south side. East of Alameda Street, the Tidewater Tank Farm is south of Sepulveda Boulevard, and located nearby are the San Diego Freeway, Long Beach Freeway, Terminal Island Freeway and Harbor Freeway.

The tracks across Sepulveda Boulevard are in three groups, "A", "B" and "C". Track "A" is a single spur serving the Richfield Refinery on the west side of the intersection. It is owned by Richfield with operations being performed by Southern Pacific. Group "B" consists of two tracks on the Southern Pacific Company's Wilmington Branch, and are used only for switching operations. The distance between Groups "A" and "B" is 80 feet. Southern Pacific's Los Angeles Division Special Instructions No. 13 provide that all trains on Tracks "A" and "B" must stop at either side of Sepulveda Boulevard and allow crossing protection to operate 20 seconds before entering the crossing. ✓

The tracks marked "C" are on the Southern Pacific Company's San Pedro Branch, and include a spur serving the Tidewater Tank Farm. The distance between Groups "B" and "C" is 116 feet and the roadway at the intersection is 48 feet wide. Through operations to and from the Los Angeles and Long Beach Harbors on both the Wilmington Branch and San Pedro Branch are performed over the "C" tracks across Sepulveda Boulevard.

North of Sepulveda Boulevard (Watson) through operations on the Wilmington Branch are via a cross-over between the two branches, thence via former Pacific Electric Railway Company's Wilmington Line to Los Angeles. There is another connection between the Wilmington and San Pedro Branch tracks approximately 500 feet north of 223rd Street, used for switching.

Physical data at these crossings show five tracks consisting of one branch line, two spurs and two sidings protected by Standard No. 8 flashing light signals, advance warning signs and one special traffic signal. The maximum train speed is 20 mph on the branch line and switching operations are required to stop and proceed. There are 14 train movements and 30 switch moves which include heavy ore trains going south to the Long Beach and Los Angeles Harbors on the easterly track. Since January 1, 1960 there has been one accident, on January 23, 1964, in which five persons were killed and one injured. There is some obstruction to visibility caused by a station building and the long distance of over 220 feet between the outside rails at the crossing, and a slight diagonal in the roadway at the crossing. Traffic and train movements over the crossing from 6:00 a.m. to 6:00 p.m. on Thursday, March 18, 1965, show the following totals:

Traffic Check - Sepulveda Blvd. West of Alameda  
Crossings BG-500.0 and 6M-17.15  
Thursday, March 18, 1965

No. of Vehicles East & Westbound					No. Trains Moving		
Autos & Pickups	Trucks (excl. Tankers)	Tank Trucks	Buses	Misc.	Across Sepulveda Blvd. Trains	P. E. Tks.	S.P. Tks.
7,459	724	228	21	51	20		9
Total Vehicles: 8,483							

The staff recommended that crossing protection be improved by installation of automatic gates and by modification of train operations so that all rail movements over Sepulveda Boulevard (except those serving the Tidewater Tank Farm) be consolidated in one group of tracks described as the "A" and "B" tracks with protection by the automatic gates, and in order to implement this, recommended certain changes in and modifications of rail operations as follows:

1. Construct a new crossover approximately 1/4 mile south of Sepulveda Boulevard between easterly Track "B" and Track "C", the cost to be borne by the Southern Pacific Company.
2. Reroute through operations from Track "C" to easterly Track "B".

Recommendations 3 through 9 involve changes in operation of circuits and installation of traffic lights and gates and operating rules.

No estimate of the cost of the proposed change in train movements was given and the staff witness testified that no study of the cost of these changes was made.

Southern Pacific Company introduced Exhibits 1 through 6 and 12 through 15, to show the present status of the transfer of the Pacific Electric Railway Company to the Southern Pacific Company before the I.C.C., and Exhibits 16 and 17, the timetables and special instructions of the Los Angeles Division applicable to the operations at the crossing in question, and a long roll map, Exhibit 11, of their railroad operations. The assistant

superintendent of the Los Angeles Division and the district manager of the Southern Pacific Company testified in substance that there is no final merger between the Pacific Electric Railway Company and the Southern Pacific Company, and that an application would have to be made to the I.C.C. for approval of the transfer of train movements from Southern Pacific to Pacific Electric tracks. Respondent's witnesses also testified that the proposed consolidation of train movements would run the trains through the switching yard, which would be unsafe and impractical, that this would require several additional switch engines and personnel and would greatly increase operating cost, that Southern Pacific would be subject to assessment of penalties under labor union agreements, and that for these reasons the proposed consolidation plan for changing train movements is totally impractical and not feasible.

The engineer involved in the fatal accident testified for the Brotherhood of Locomotive Engineers that installation of automatic gates at this crossing would provide much needed additional protection for traffic and trains at this crossing.

A registered engineer testified for the County of Los Angeles but took no position in connection with the proposed operation of the trains at this crossing. He testified that there is a need for installation of automatic gates to be interconnected with traffic signals. He requested a joint meeting of the engineers of all parties at the location to decide the best type of interconnection. This

witness testified that this crossing has been mentioned for studies in connection with a separation, but that even if approved, construction of a separation would not begin for at least eight years.

All of the expert witnesses testified to the urgent need for upgrading this crossing protection by supplementing the flashing lights with automatic gates. The staff witness testified to discussions regarding two alternate plans for protection of this crossing by installation of automatic gates which were identified by the witnesses as Plan X and Plan Y. Plan Y proposes to install automatic gates to the east and the west of all the tracks at this crossing; Plan X provides for a set of gates on either side of the tracks of Group "C", the main track of the Southern Pacific Company now used for all through freight trains. The staff witness further testified that he had considered Plan X and Plan Y and had rejected both plans. Plan "X", he stated, could trap vehicles blocked on the "C" group of tracks waiting for trains to clear the "A" or "B" tracks. If a train on the "C" tracks then came along over the crossing the waiting vehicles could not clear the tracks. Plan "Y", he said, would require the gates to enclose a length of some 230 feet along Sepulveda Boulevard. An eastbound vehicle might clear the westerly crossing gates just before a train on the "C" tracks came into the circuit. In this case the eastbound vehicle would still have more than 200 feet to travel before it came to the "C" tracks and its driver could fail to see the train since there had been no warning to him when he entered the crossing area. Engineers for the County of Los Angeles testified that either plan would provide improved protection over the present flashing lights, but that a grade separation costing approximately \$2,500,000 would be better, and that

installation of gates at Crossing "C" of the main line offers better opportunity for vehicles to clear the crossing than would installation of gates outside of all tracks.

At the time of submission the Examiner requested that all parties hold a joint meeting at the crossing and file a report of their conclusions on or before November 22, 1965. The attorney for the Southern Pacific Company filed a report of said conference as follows:

"Pursuant to the suggestion of Examiner DeWolf, representatives of the Engineering Department of Engineering Departments of the County of Los Angeles, the Southern Pacific Company, and the staff of the Commission met on November 9, 1965, to discuss the general situation and type of automatic crossing protection that might be installed at the Sepulveda Boulevard railroad crossing.

"The County of Los Angeles and the Southern Pacific Company were generally in agreement as to what could be done, but the staff of the Commission was not in agreement with the County of Los Angeles and the Southern Pacific Company, and the County of Los Angeles and the Southern Pacific Company were not in agreement with the staff of the Commission."

The Commission finds that:

1. Separation of grades at this crossing is desirable, but in the interim, immediate additional protection in the form of automatic gates is needed.
2. The protection at the crossing is inadequate. The crossing is particularly hazardous to trainmen and the public using the crossing because of the multiplicity of the tracks, the close proximity of the tracks to Alameda Street and the many trains and vehicles, including a large number of tank trucks, using the crossing.
3. The basic problem at the crossing is the wide expanse of tracks spread over some 230 feet and the close proximity of the main line Southern Pacific Company tracks to Alameda Street. The problem



may be alleviated by the construction of certain crossovers as recommended by the staff or by other track changes which would have the same effect of bringing all the tracks into a smaller area and moving them away from Alameda Street.

4. The preponderance of the evidence shows that removal of through trains from the easterly Southern Pacific tracks to other tracks will raise certain complications until the merger of the Southern Pacific Company and the Pacific Electric Railway Company, already approved by the Interstate Commerce Commission, is completely implemented. However, there is no reason to believe this will not be done within a reasonable time.

5. The Southern Pacific Company should move its main line operations on to the old Pacific Electric Railway tracks or on a track parallel to and immediately east of the old Pacific Electric Railway tracks. The costs of the track changes should be borne by the railroad company.

6. Automatic gates should be installed at the remaining trackage (except the track serving the Tidewater Tank Farm).

7. The costs of the automatic gates at the crossing should be borne equally by the Southern Pacific Company and the County of Los Angeles. ✓

8. The costs of maintaining the automatic gates should be borne equally by the Southern Pacific Company and the County of Los Angeles. ✓

9. The motion to dismiss should be denied.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall notify this Commission of the date when the merger of the Southern Pacific Company and the Pacific Electric Railway becomes final.

2. Within one year after the date on which the merger becomes final, or within one year after the effective date of this order, whichever is later, the parties shall perform the work outlined below.

3. Southern Pacific Company shall construct a new crossover, approximately 1/4 mile south of Sepulveda Boulevard, between easterly track "B" and track "C", the cost to be borne by the Southern Pacific Company.

4. Southern Pacific Company shall reroute through train operations from track "C" to easterly track "B".

5. As an alternative to ordering paragraphs 3 and 4 the Southern Pacific Company may construct a new track across Sepulveda Boulevard immediately adjacent to and east of the "B" track and reroute through operations from track "C" to this new track.

6. Southern Pacific Company, at its sole cost, shall remove the Standard No. 8 flashing light signal on the north side of Sepulveda Boulevard east of Richfield spur track "A".

7. County of Los Angeles, at its sole cost, shall remove the special traffic signal on the south side of Sepulveda Boulevard between Richfield spur track "A" and tracks "B".

8. Southern Pacific Company shall install two Standard No. 8 flashing light signals supplemented with automatic gate arms, one on the north side of Sepulveda east of tracks "B" and the other on the south side, west of the Richfield spur track "A", costs to be divided equally between Los Angeles County and the Southern Pacific Company.

In addition to normal operation for trains on tracks "A" and "B" the Standard No. 8 flashing light signal and automatic gate west of track "A" shall also be actuated by a train operating over the crossing on track "C".

9. Southern Pacific Company shall revise operating rules to provide that after stopping at marker posts now in place at track "A" and at westerly track "B", trains shall not proceed onto crossing until gates are down and track area is clear.

10. Southern Pacific Company shall revise instructions governing operations over easterly track "B" and install control circuits thereon which will provide uniform advance warning time as prescribed in General Order No. 75-B for all trains approaching the crossing and reduce unnecessary actuation of the signals to a minimum, costs to be divided equally between Los Angeles County and Southern Pacific Company.

11. Southern Pacific Company, at its expense, shall install marker posts at tracks "C", revise existing circuits and establish operating rules to provide that after stopping at marker posts trains shall not proceed onto crossing until automatic protection has been in operation as prescribed in General Order No. 75-B and track area is clear.

12. Los Angeles County, at its expense, shall coordinate traffic signals at the intersection of Sepulveda Boulevard and Alameda Street with train movements on all tracks so that traffic signal actuation will be preempted and provide a green aspect of sufficient length to clear vehicles from the track areas.

13. The cost of maintenance of the automatic crossing protection shall be apportioned equally between Southern Pacific Company and the County of Los Angeles pursuant to and in accordance with the provisions of Section 1202.2 of the Public Utilities Code.

14. Within thirty days after completion of the work hereinabove ordered, Southern Pacific Company shall notify the Commission in writing of compliance with the conditions hereof.

15. The motion to dismiss is denied.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondents.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of MAY, 1966.

Frederick W. Halliday  
President

George A. ...  
Commissioner

William W. Bennett  
Commissioners

I concur in the order.  
George T. Grover

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.