

ORIGINAL

Decision No. 12460

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-000-

In the matter of the application of )  
Los Angeles and Salt Lake Railroad )  
Company, a corporation, for authority )  
under the provisions of Section 43 of )  
the Public Utilities Act, to construct, ) Application No. 8944  
maintain and operate certain railroad )  
tracks across public streets within the )  
corporate limits of the City of Los )  
Angeles. )

Fred E. Pettit, Jr., for applicant

BY THE COMMISSION:

O P I N I O N

This is an application by the Los Angeles and Salt Lake Railroad Company, a corporation, for authority to construct six spur tracks across certain public streets and highways in the City of Los Angeles.

A public hearing was held on this application before Examiner Williams in Los Angeles on May 25, 1923.

This application specifically asks for authority to maintain spur tracks at the following locations:

(1) A spur track at grade across Avenue Thirty-three at Grace Street to serve the Etna Marble Company.

(2) A spur track at grade across Ferry Street, Ocean Avenue and Mormon Street at the Los Angeles Harbor to serve the Hammond Lumber Company.

(3) Two spur tracks at grade across Hollenbeck

Avenue to serve vegetable sheds of the railroad. Hollenbeck Avenue at this point is not physically open to public travel.

(4) A spur track at grade across Hollenbeck Avenue to serve the California Glazed Cement Pipe Company. Hollenbeck Avenue at this point also is not physically open to public travel.

(5) A spur track at grade across Avenue Twenty-one at Humboldt Street to serve the W.M. Gottschalk Furniture Factory.

The application recites that all of the crossings covered in this application were actually constructed without the proper authority from the Commission. The record shows that the spur across Avenue Thirty-three to serve the Etna Marble Company was completed in February, 1923; the spur across Ferry Street, Ocean Avenue and Mormon Street was completed December 30, 1922; the two spurs across Hollenbeck Avenue to serve the vegetable sheds of the railroad were completed November 1, 1921; the spur across Hollenbeck Avenue to serve the California Glazed Cement Pipe Company was completed August 7, 1920; and, the spur across Avenue Twenty-one to serve the Furniture Company of W. M. Gottschalk was completed November 21, 1921. Applicant frankly admitted that these tracks had been constructed without proper authority and acknowledged all blame in the matter and stated that failure to obtain the Commission's authorization for the various crossings was due entirely to inadvertence, the applicant further stating that when it was discovered that this work had been done without proper authority the responsible officials of the company hastened not only to make present application to secure the necessary permission of the Commission to maintain these various crossings, but also took steps within its own organization to assure itself that there would be no further violations of Section 43 of the Public Utilities Act on the part of the applicant.

The Commission's engineer, after investigation, re-

commended that each of the crossings covered by the application be authorized, there being no physical conditions encountered which should make it in the public interest to withhold the granting of this application.

The Commission is convinced from the evidence in this proceeding that the violations of the provisions of Section 43 of the Public Utilities Act in this instance were, in fact, made inadvertently, and, although this does not excuse the applicant, consideration should be given to the fact that this is the first offense of its kind on the part of this carrier that has been brought to the attention of the Commission, and in view of all the circumstances in the matter, no attempt will be made to penalize the applicant. In this instance and the application will be granted.

#### O R D E R

Los Angeles and Salt Lake Railroad Company, a corporation having made application for permission to construct, maintain and operate certain railroad tracks at grade across certain public streets within the City of Los Angeles, County of Los Angeles, State of California, as hereinafter indicated, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Los Angeles and Salt Lake Railroad Company to construct spur tracks at grade in the following described locations:

One spur track across Avenue Thirty-three  
Beginning at a point in the center line of the main track of the Pasadena Branch of the Los Angeles & Salt Lake Railroad Company at Engineer Station 146 plus 77.5, said point of beginning being Engineer Station 0 plus 0 of the proposed spur track; thence southerly on a standard

No. 9 turnout to the left to the easterly line of Grace Street at Engineer Station 0 plus 29.17; thence continuing southerly on said standard No. 9 turnout to the left to the point of frog at Engineer Station 0 plus 70.6; thence on a tangent to said standard No. 9 turnout to Engineer Station 0 plus 98.93, said point being the point of beginning of a curve concave southeasterly and having a radius of 573.69 feet; thence southerly along said curve to Engineer Station 1 plus 68.48, said point being in the center line of Avenue 33 distant easterly 35.65 feet from the intersection of said center line of Avenue 33 with the center line of Artesian Street; thence continuing southerly on said curve to Engineer Station plus 93.5, said point being in the southerly line of Avenue 33 and distant easterly 5 feet from the easterly line of Artesian Street; thence continuing southerly on said curve to Engineer Station 1 plus 96.6 to the end of curve; thence southerly parallel with the easterly line of Artesian Street to Engineer Station 2 plus 93.4, the end of said proposed track.

All of the above as shown by the map marked Exhibit B attached to the application.

One spur track across Ferry Street, Ocean Avenue and Mormon Street.

Beginning at a point in the center line of the main track of the San Pedro Branch of the Los Angeles & Salt Lake Railroad at Engineer Station 1363 plus 83.0 equals 0 plus 0.0 of proposed spur track, said point being distant northwesterly 30.0 feet measured at right angles from the south east line of Lot 6, Tract 751, as per map recorded in Book 16, pages 26-27 of Maps, said County and distant northeasterly 104.2 feet, measured at right angles, from the southwest line of said Lot 4; thence westerly on a standard No. 9 turnout to the right 70.6 feet to point of frog at Engineer's Station 0 plus 70.6; thence on a tangent to said turnout S. 70° 27' 30" W. 9.4 feet to Engineer's Station 0 plus 80.0; thence westerly on a curve to the right having a radius of 716.78 feet, a distance of 24.70 feet to Engineer's Station 1 plus 04.70 being a point in the easterly line of Mormon Street; thence continuing westerly on said curve a distance of 30.38 feet to Engineer's Station 1 plus 35.08 being a point in the center line of Mormon Street distant southerly 61.10 feet from the intersection of said center line with the center line of Ocean Avenue; the tangent to said curve at said station 1 plus 35.08 intersection said center line of Mormon Street at an angle of 79° 13' 36"; thence continuing westerly on said curve a distance of 30.67 feet to Engineer's Station 1 plus 65.75 a point in the westerly line of said street; thence continuing westerly on said curve across private property a distance of 100.12 feet to Engineer's Station 2 plus 65.87, a point in the southerly line of Ocean Avenue; thence continuing westerly on said curve a distance of 9.13 feet to the end of said curve at Engineer's Station 2 plus 75.00; thence westerly along a tangent to said curve a distance of 12.20 feet to

Engineer's Station 2 plus 87.20; thence westerly along a curve to the left having a radius of 716.78 feet a distance of 49.85 feet to Engineer's Station 3 plus 37.05, being a point in the center line of Ocean Avenue distant westerly 192.37 feet from the intersection of center line of Ocean Avenue with the center line of Mormon Street; the tangent to said curve at said Station 3 plus 37.05 intersection said center line of Ocean Avenue at an angle of  $170^{\circ}58'43''$ ; thence continuing westerly along said curve a distance of 104.96 feet to Engineer Station 4 plus 42.01 a point in the northerly line of said Ocean Avenue; thence continuing westerly on said curve over private lands a distance of 119.77 feet to Engineer's Station 5 plus 61.78 a point distant northerly 10.0 feet measured at right angles from the northerly line of Ocean Avenue; thence westerly across private property, along a line parallel with said northerly line of Ocean Avenue a distance of 1052.72 feet to Engineer's Station 16 plus 14.50 a point in the easterly line of Ferry Street; thence continuing westerly on prolongation of said parallel line a distance of 30.0 feet to Engineer's Station 16 plus 44.50 a point in the center line of Ferry Street distant northerly 35.0 feet from the intersection of said center line with the center line of Ocean Avenue, thence continuing westerly on said tangent a distance of 11.8 feet to Engineer Station 16 plus 56.3 the point of beginning of a curve to the right and having a radius of 637.27 feet; thence along said curve a distance of 18.2 feet to Engineer Station 16 plus 74.5 a point in the westerly line of Ferry Street; thence continuing westerly on said curve over private property a distance of 131.8 feet to Engineer Station 18 plus 06.30; thence westerly along a tangent to said curve a distance of 10.3 feet to the point of frog of a standard No. 9 turnout at Engineer Station 18 plus 16.6; thence westerly along said turnout a distance of 70.6 feet to point of switch at Engineer Station 18 plus 87.2 being a point in an existing track.

All of the above as shown by the map marked Exhibit E attached to the application.

Two spur tracks across Hollenbeck Avenue

First: Beginning at Station 17 plus 26.4 of Track No. 251, being an existing track in Lot 3 of Tract No. 2495, as per map recorded in Book 36, pages 20 and 21, Records of Los Angeles County, said Station being also equal to Station 0 plus 0.0 of this survey; thence northerly along a standard No. 9 turnout to the right 70.6 feet to Station 0 plus 70.6 to the point of beginning of a curve concave to the southeast having a radius of 573.69 feet; thence northeasterly along said curve 189.3 feet to Station 2 plus 59.9 being the point of beginning of a curve concave to the northwest and having a radius of 573.69 feet; thence northerly along said curve, 250.6 feet to Station 5 plus 10.5 being the end of curve; thence along a line tangent to said curve and parallel with the easterly line of the Los Angeles

River N.10° 35' 30" W. 49.5 feet to Station 5 plus 60.0 being a point in the southerly line of Hollenbeck Avenue distant thereon 196.42 feet from the easterly line of the Los Angeles River; thence continuing N. 10°35'30" W.104.8 feet to Station 6 plus 64.8 being a point in the northerly line of Hollenbeck Avenue distant 196.42 feet measured thereon from the easterly line of the Los Angeles River; thence continuing N. 10°35'30" W.1000.2 feet to Station 16 plus 65.0 the end of Survey No. 1.

Second: Beginning at Station 4 plus 74.9 of Survey No.1 being Station 0 plus 0.0 of Survey No. 2; thence northerly along a standard No. 9 turnout to the right 70.6 feet to Station 0 plus 70.6; thence N. 4° 13' 43" W. 10.5 feet to Station 0 plus 81.1, being a point in the south line of Hollenbeck Avenue distant 203.91 feet measured thereon from the easterly line of the Los Angeles River; thence continuing N. 4° 13' 43" W. 28.6 feet to Station 1 plus 09.7, being the point of beginning of a curve concave to the west and having a radius of 637.27 feet; thence northerly along said curve 70.7 feet to Station 1 plus 80.4 being the end of said curve and also being a point in the northerly line of Hollenbeck Avenue distant 212.93 feet measured thereon from the easterly line of the Los Angeles River; thence N. 10° 35' 30" W. 1009.6 feet to Station 11 plus 90.0 being the end of Survey No. 2.

All of the above as shown by the map marked Exhibit H attached to the application.

One Spur track across Hollenbeck Avenue.

"Beginning at a point in the southerly line of Hollenbeck Avenue distant thereon 467.24 feet easterly from the easterly line of the Los Angeles River, as defined by Ordinance No. 287 (old Series); thence by curve concave to the west having a radius of 573.686 feet to a point in the northerly line of Hollenbeck Avenue distant thereon 508.09 feet easterly from said easterly line of said Los Angeles River."

All of the above as shown by the map marked Exhibit N attached to the application.

One spur track across Avenue Twenty-one.

Beginning at a point in the center line of the main track of the Pasadena Branch of the Los Angeles & Salt Lake Railroad 193.14 feet southwesterly thereon from the center line of Avenue Twenty-one; thence northeasterly along a standard No. 9 turnout to the left 70.6 feet to a point; thence north 45°35'35" east 62.4 feet to a point of curve; thence northeasterly along a curve, concave to the northwest, having a radius of 287.94 feet, a distance of 62.5 feet to a point of reverse curve, crossing the southwesterly line of Avenue Twenty-one at a point 14.7 feet southeasterly thereon from the northwesterly line of Humboldt Street; thence northeasterly along a reversed curve, having a radius of 287.94 feet, a distance of 38 feet to a point in the northeasterly line of Avenue Twenty-one 3.45 feet northwesterly thereon from the northwesterly line of Humboldt Street.

All of the above as shown by the map marked Exhibit K attached to the application.

Said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossings of Avenue Thirty-three, Ferry Street, Mormon Street and Avenue Twenty-one shall be constructed of a width and type of construction to conform to those portions of said streets now graded with top of rails flush with the pavement and with grades of approach not exceeding three (3) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic. Said crossing of Hollenbeck Avenue shall be so constructed that grades of approach not exceeding six (6) per cent will be feasible in the event that the construction of a roadway along said Hollenbeck Avenue shall hereafter be authorized and said crossing of Ocean Avenue shall be so constructed that grades of approach not exceeding two (2) per cent will be feasible in the event of the construction of a roadway along said Ocean Avenue being hereafter authorized, and so that said crossings may be made safe for the passage thereover of vehicles and other road traffic.

(3) This order is made upon the express condition that Hollenbeck Avenue and Ocean Avenue are not now actually constructed and open to travel at the respective points of crossing and said order shall not be deemed an authorization for the construction or opening of said streets to public use

across said railroad tracks.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(5) The authorization herein granted for the installation of said crossings will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective three (3) days after the making thereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of <sup>August</sup> ~~July~~, 1923.

C. Seaver  
H. B. ...  
Egerton Shore  
Commissioners.