

Decision No. 13536

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of Los Angeles & Salt Lake Railroad Company, a corporation, for authority to construct, maintain and operate a certain steam railroad track, at grade across Lawrence Street, Wilson Street, Ninth Street, and across and along certain intervening alleys, and across a spur track of The Atchison, Topeka & Santa Fe Railway Company, a corporation, situated upon and along Lawrence Street, all within the City of Los Angeles.

Application No. 9990.

BY THE COMMISSION:

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O R D E R

Los Angeles & Salt Lake Railroad Company, a corporation, filed the above entitled application with this Commission on the 16th day of April 1924, asking for authority to construct a spur track at grade across Lawrence Street, Wilson Street, Ninth Street and across certain intervening alleys and across a spur track of The Atchison, Topeka and Santa Fe Railway Company situated upon and along Lawrence Street, in the City of Los Angeles, County of Los Angeles, State of California, as hereinafter set forth. The necessary franchise or permit (Ordinance No. 48261 N.S.) has been granted by the City Council of said city for the construction of said crossings at grade, that The Atchison, Topeka and Santa Fe Railway Company has signified by letter that it will not oppose the granting of this application, and it appears to this Commission that

the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide separated grade crossings at the points mentioned in this application, or to avoid grade crossings with said streets and alleys and that this application should be granted subject to the conditions hereinafter specified,

THEREFORE, IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Los Angeles & Salt Lake Railroad Company to construct a spur track at grade across Lawrence Street, Wilson Street, Ninth Street and at grade across certain intervening alleys, in the City of Los Angeles, County of Los Angeles, State of California, as follows:

Across Ninth Street commencing at a point on the south line of Ninth Street, 23.5 feet westerly from the west line of Lemon Street; thence northwesterly on a curve concave to the southwest, with a radius of 420.2 feet, a distance of 92.5 feet more or less, to a point on the north line of Ninth Street, 42 feet west of the west line of Lemon Street.

Over and across that certain north and south alley in the block bounded by Lemon, Ninth, Wilson and Hunter Streets in said City, commencing at a point on the easterly line of said north and south alley 127 feet north of the north line of Ninth Street; thence northwesterly on a curve concave to the southwest, 17.5 feet more or less to a point on the west line of the north and south alley, 133 feet north of the north line of Ninth Street.

Across Wilson Street, commencing at a point on the east line of Wilson Street, 132 feet south of the south line of Hunter Street; thence westerly across Wilson Street, 61 feet, more or less, to a point on the west line of Wilson Street, 132 feet south of the south line of Hunter Street.

Over, across, in and along that certain north and south alley and that certain east and west alley in the block bounded by Hunter, Wilson, Ninth and Lawrence Streets, commencing at a point on the east line of said north and south alley in said block, 136 feet south of the south line of Hunter Street; thence westerly across said north and south alley and along said east and west alley 480 feet more or less to the east line of Lawrence Street.

Across Lawrence Street commencing at the intersection of the east line of Lawrence Street with the center line of the said east and west alley in the block bounded by Ninth, Hunter, Wilson and Lawrence Streets; thence westerly across Lawrence Street, 63.5 feet, more or less

to a point at the intersection of the west line of Lawrence Street, with the center line of the east and west alley in the block bounded by Alameda, Lawrence, Ninth and Hunter Streets.

In, over and along that certain east and west alley in the block bounded by Hunter, Lawrence Ninth and Alameda Streets, commencing at the intersection of the west line of Lawrence Street with the center line of said east and west alley; thence westerly along said center line of said alley 448 feet.

All of the above as shown by the maps (Exhibits "B" and "C") 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 shall be constructed of a width and type of construction to conform to those portions of said streets and alleys now graded, with the top of rails flush with the pavement, and with grades of approach not exceeding one (1) 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.

(3) Said crossing of Ninth Street shall be protected by adequate crossing gates.

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

(5) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent.

(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.

(7) Applicant shall not use the granting of this application either by way of defense or argument on the ground of capital expenditure or in any way against any order of this Commission heretofore or hereafter made providing for any railroad unification or terminal plans in the City of Los Angeles.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted Los Angeles & Salt Lake Railroad Company to construct a spur track at grade across the spur track of The Atchison, Topeka and Santa Fe Railway Company situated upon and along Lawrence Street in the City of Los Angeles, County of Los Angeles, State of California, as shown by the map (Exhibit "B") attached to the application, said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first class condition shall be borne by applicant.

(2) All trains, motors, engines and cars of applicant shall stop before crossing the track of The Atchison, Topeka and Santa Fe Railway Company and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain that it is safe to do so and shall give a suitable signal to proceed.

(3) All trains, motors, engines and cars of The Atchison, Topeka and Santa Fe Railway Company shall stop before crossing the track of applicant and shall not proceed thereover until the conductor or other competent employee has gone upon the crossing to ascertain that it is safe to do so and shall have given a suitable signal to proceed.

(4) Applicant shall within sixty (60) days of the date of this order file with the Commission duly executed copy or copies of agreement or agreements with said Atchison, Tope-

the Santa Fe Railway Company, substantially in the form as indicated in Exhibit "D", Application No. 9448, covering the terms of installation and maintenance of said crossing and operation thereover.

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

(6) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, and 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 8<sup>th</sup> day of May, 1924.

C. L. Seavey  
H. B. Brundage  
Irving Martin  
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Commissioners.