

ORIGINAL

Decision No. 14919.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application of
the County of Los Angeles, the City
of Los Angeles, the City of Long Beach,
Board of Harbor Commissioners of the
City of Los Angeles and the Los Angeles
& Salt Lake Railroad Company, for an
order authorizing the construction of a
viaduct over Dominguez Creek on the
Anaheim Road, in the Wilmington District,
and approving the Agreement of said par-
ties relative to the apportionment of the
cost of such construction.

Application No. 11048.

BY THE COMMISSION:

O P I N I O N

This is a joint application of the County of Los Angeles, The City of Los Angeles, The City of Long Beach, Board of Harbor Commissioners of the City of Los Angeles and the Los Angeles and Salt Lake Railroad Company for an order authorizing the construction of a viaduct over Dominguez Creek on the Anaheim Road in the Wilmington District, and approving the Agreement of said parties relative to the apportionment of the cost of such construction.

The viaduct proposed in this proceeding, is the one designated for Anaheim Road in Decision No. 14059 made in Application No. 9694. In that Decision approval of detail plans and specifications to carry Anaheim Road above the tracks of the Los Angeles and Salt Lake Railroad Company on a viaduct with six bays or panels was reserved for future decision. The necessity of the

viaduct was fully covered in that proceeding. The apportionment of cost among the interested parties, excluding the Los Angeles and Salt Lake Railroad Company, which was assessed with one-eighth of the cost, was likewise reserved for future decision. Applicants named above now petition for approval of plans and specifications filed with the application and for approval of an apportionment of the cost of said viaduct in accordance with an agreement entered into by them, copy of which agreement is attached to the application.

The application sets forth as follows:

"That it has been agreed by said parties that said viaduct shall be so constructed so as to form six (6) ducts or bays thereunder, available and suitable for the following purposes and uses:

Three (3) or more ducts or bays to be used for railroad purposes, and affording facilities for double track railroads traversing each of said ducts or bays for the uses and purposes of, and to be apportioned, one of said ducts or bays to each of the following parties, to-wit: the said City of Long Beach, the said Harbor Department, the said Los Angeles and Salt Lake Railroad Company, and the said City of Los Angeles;

One or more ducts or bays to be available for the flow of flood waters in and along said Dominguez Creek and under and through said viaduct if and when necessary, and/or such other use as the City shall find to be necessary or expedient.

That the overhead structure of said viaduct shall be designed, constructed and used as a way of travel for vehicular and pedestrian traffic."

It has been estimated that the cost of said viaduct will be approximately \$535,000.

Under the agreement hereinbefore mentioned, the parties hereto propose to divide the cost among themselves as follows:

"Fifty (50%) per centum, or approximately Two Hundred Sixty-seven Thousand, Five Hundred (\$267,500.00) Dollars, of the cost of said viaduct shall be regarded as the cost of the portion of said structure to be borne by the parties using the said ducts or bays passing under said viaduct and designed and intended to be used for railroad purposes and to be apportioned to and borne by said parties, as follows:

The said City of Long Beach twenty-five (25%) per centum of said fifty (50%) per centum, or twelve and one-half (12½%) per centum of the total cost of said viaduct;

The said Board of Harbor Commissioners twenty-five (25%) per centum of said fifty (50%) per centum, or twelve and one-half (12½%) per centum of the total cost of said viaduct;

The said City of Los Angeles twenty-five (25%) per centum of said fifty (50%) per centum, or twelve and one-half (12½%) per centum of the total cost of said viaduct;

The Los Angeles & Salt Lake Railroad Company twenty-five (25%) per centum of said fifty (50%) per centum, or twelve and one-half (12½%) per centum of the total cost of said viaduct.

That fifty (50%) per centum, or approximately Two Hundred Sixty-seven Thousand, Five Hundred (\$267,500.00) Dollars of the cost of said viaduct shall be regarded as the cost of the overhead structure thereof, and shall be apportioned to and paid by the said County of Los Angeles and the said City of Los Angeles, as follows:

Such sum as shall be determined by the City Engineer would be required to construct across said Dominguez Creek over the limits of the proposed viaduct in accordance with the plans and specifications hereto attached, a cement concrete two-span bridge of sufficient capacity to care for the storm waters of said Creek and the fill and grading and paving necessary for a street eighty (80) feet in width and a roadway sixty (60) feet from curb to curb, with sidewalks and curbs on each side, not to exceed in any event the sum of Eighty Thousand (\$80,000.00) Dollars, shall be placed on an assessment district created for the improvement of said Anaheim Road; the balance of said Fifty (50%) per centum of the total cost of said viaduct regarded as the cost of overhead structure thereof, or approximately Two Hundred Sixty-seven Thousand, Five Hundred (\$267,500.00) Dollars, to be borne:

One-half (1/2) by the said County of Los Angeles and the other one-half (1/2) by the said City of Los Angeles.

It has been further agreed by and between said parties that if and when the construction of said viaduct shall have been authorized and the agreement of the parties hereto relative to the construction and apportionment of the cost thereof, and plans and specifications for the construction of said viaduct shall have been approved by the Railroad Commission, the said City of Los Angeles shall be authorized to acquire the necessary lands, furnish all plans, do all surveying, furnish all supervision, and let any and all contracts necessary for the construction of said viaduct and the approaches thereto, in accordance with the plans and specifications so approved, and supervise the work of the construction of said viaduct; that the

City shall pay all costs and expenses of the work so to be supervised, controlled and directed by it, subject to reimbursement by the other parties hereto in the manner and at the times set forth in said agreement."

The plans and specifications submitted with this application fulfill the conditions and requirements for a viaduct as set forth in Decision 14059, dated September 15, 1924, and meet with the approval of the Commission. The apportionment of the cost as set forth in the agreement attached to the application and set forth above appears equitable. It therefore appears to the Commission that a public hearing in this proceeding is not necessary and that this application should be granted subject to certain conditions in the following form of order:

O R D E R

IT IS HEREBY ORDERED that The County of Los Angeles, City of Los Angeles, City of Long Beach, Board of Harbor Commissioners of the City of Los Angeles and Los Angeles and Salt Lake Railroad Company, be and they are hereby authorized to construct a viaduct over Dominguez Creek over the Anaheim Road in the Wilmington District in the City of Los Angeles, substantially in accordance with plans and specifications filed with the application, subject to the following conditions:

(1) City of Los Angeles shall within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said viaduct.

(2) If said viaduct 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.

IT IS HEREBY FURTHER ORDERED THAT the cost of constructing said viaduct shall be apportioned between the applicants in accordance with the terms of that certain agreement dated November 13, 1924, a copy of which is attached to the application.

IT IS HEREBY FURTHER ORDERED that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and apportionment of costs of said viaduct 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 14th day of May, 1925.

H. B. Boudier

C. Seavy

Egerton S. S. S. S.

Frank J. S. S.
Commissioners.