

Decision No. 16018

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation  
on the Commission's own motion of  
the safety and necessity of grade  
crossings of Santa Fe Avenue, and  
of the tracks of the Los Angeles  
Railway Corporation across the  
tracks of Los Angeles and Salt Lake  
Railroad Company, and of The Atchi-  
son, Topeka and Santa Fe Railway  
Company at Butte Street, in the  
City of Los Angeles, State of  
California.

Case No. 2061.

F. E. Pettit, Jr., for Los Angeles and Salt Lake  
Railroad Company.  
M. W. Reed, for The Atchison, Topeka and Santa Fe  
Railway Company.  
S. M. Haskins, for Los Angeles Railway Corporation.  
David R. Faries and John R. Berryman, Jr., for the  
Automobile Club of Southern California.  
Jess E. Stephens, City Attorney, and Milton Bryan,  
Assistant City Attorney, for the City of  
Los Angeles.  
Frank Karr and R. A. Wedekind, for Pacific Electric  
Railway and Southern Pacific Company.  
S. M. Haskins, for the City of Vernon.

BRUNDIGE, COMMISSIONER:

OPINION ON ORDER DENYING REHEARING

Petitions for rehearing in the above-entitled matter were  
filed with this Commission by the Los Angeles and Salt Lake Railroad  
Company, Los Angeles Railway Corporation and The Atchison, Topeka  
and Santa Fe Railway Company. The matter was thereafter set for  
argument for the purpose of determining whether or not a rehearing  
should be granted. Such argument was presented on January 6th, 1926,  
at 1:00 P.M. in Los Angeles, after due notice to the interested  
parties of such hearing.

Counsel for the City of Los Angeles, through witness, Mr.

Merrill Butler, Bridge Engineer for the City, presented evidence to show that plans are under way for the extension of Washington Street easterly to a connection with Butte Street. Mr. Butler stated, in his opinion, that the most feasible means of handling the extension of Washington Street across Santa Fe Avenue would place Washington Street parallel to and just northerly of the railroad tracks along Butte Street, so that the Washington Street grade could be separated from the grade of Santa Fe Avenue along with the railroad grade crossing separation. He stated that there was no fundamental engineering complications in adapting the plans considered in prior hearings in this matter to the proposed plan. These plans may have a bearing upon the apportionment of cost. Inasmuch as the decision previously made by this Commission does not attempt to apportion the cost of the separation, but directs that the parties prepare plans and attempt to agree on costs, I see no necessity for rehearing in this matter in so far as the opening of Washington Street is concerned, as the former order can be revised to require the parties to file plans including Washington Street in the proposed work.

Counsel for Los Angeles and Salt Lake Railroad urged that since the inclusion of a roadway for Washington Street might be involved, the City of Los Angeles should be made a party to the order of the Commission in this matter. This position appears to be well taken and the prior order of the Commission will be modified so to provide.

After careful consideration of argument of counsel, I am of the opinion that no sufficient reason appears for the granting of a rehearing herein but do recommend the following form of order which will modify the prior decision:

#### O R D E R

Petitions for rehearing having been filed in the above-entitled matter by Los Angeles and Salt Lake Railroad Company, Los

Angeles Railway Corporation and The Atchison, Topeka and Santa Fe Railway Company, and oral argument having been heard and considered upon said petition, and there appearing no sufficient reason for the granting of a rehearing herein, but it appearing that a modification of this Commission's prior order in this matter is desirable; now, therefore,

IT IS HEREBY ORDERED, that the Order in Decision No. 14755, in the above-entitled matter be and the same is hereby vacated and set aside, and that in its place there be substituted the following order:

IT IS HEREBY ORDERED, that Los Angeles Railway Corporation, Los Angeles and Salt Lake Railroad Company, The Atchison, Topeka and Santa Fe Railway Company and City of Los Angeles be and they are hereby directed to eliminate the grade crossing of Santa Fe Avenue and of the tracks of the Los Angeles Railway Corporation with the tracks of the Los Angeles and Salt Lake Railroad Company and of The Atchison, Topeka and Santa Fe Railway Company at or near the intersection of Butte Street with said Santa Fe Avenue in the City of Los Angeles, County of Los Angeles, State of California, by the construction of a subway carrying said Santa Fe Avenue and the tracks of the Los Angeles Railway Corporation under the tracks of the Los Angeles and Salt Lake Railroad Company and The Atchison, Topeka and Santa Fe Railway Company and under Washington Street, as proposed to be opened north of, parallel and adjacent to the tracks of The Atchison, Topeka and Santa Fe Railway Company, in accordance with plans and specifications to be hereafter approved by this Commission.

IT IS HEREBY FURTHER ORDERED that said Los Angeles and Salt Lake Railroad Company shall prepare plans for said separation of grades and shall submit said plans to The Atchison, Topeka and Santa Fe Railway Company, Los Angeles Railway Corporation, and City of Los Angeles

for their approval or disapproval. Within one hundred twenty (120) days from the date hereof, said Los Angeles and Salt Lake Railroad Company shall submit said plans to this Commission, together with the written approval of The Atchison, Topeka and Santa Fe Railway Company, Los Angeles Railway Corporation and City of Los Angeles, or in the event that said Atchison, Topeka and Santa Fe Railway Company, Los Angeles Railway Corporation and City of Los Angeles, or any of them, shall fail to approve said plans, the reason given for such failure to approve, shall be stated in writing to the Commission. Upon receipt of said plans, together with a statement of such agreement as to division of cost as the interested parties may reach, this Commission will make its further order in this matter relative to plans and division of cost of construction and maintenance among the interested parties, with or without further public hearing, as may be deemed necessary.

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 order if, in its judgment, the public safety, convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED, that the petitions of Los Angeles and Salt Lake Railroad Company, Los Angeles Railway Corporation and The Atchison, Topeka and Santa Fe Railway Company, for a rehearing in this matter be, and the same are hereby denied.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

For all other purposes the effective date of this order

shall be twenty (20) days from and after the making hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day  
of February, 1926.

H. B. Bondage  
C. C. Seaver  
Ernest D. Dwyer  
Leon A. White

Commissioners.