

Decision No. 16677.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
PACIFIC ELECTRIC RAILWAY COMPANY, a  
corporation, for permission to con-  
struct a spur track at grade across  
and upon East Ninth Street in the  
City of Los Angeles, California.

Application No. 12,526.

Frank Karr for Pacific Electric Railway Company.  
J. O. Marsh for Board of Public Utilities of  
City of Los Angeles.  
Victor Ford Collins for Hawthorne Furniture  
Company of Los Angeles.

WHITSELL, COMMISSIONER:

O P I N I O N

In the above entitled proceeding authority is sought to construct a spur track at grade across the northerly half of Ninth Street, between Kohler Street and Central Avenue, in the City of Los Angeles.

A public hearing was had in this matter in Los Angeles April 28, 1926.

Ninth Street, in the vicinity of the proposed crossing, is an important east and west highway of the City of Los Angeles. Its importance has materially increased as a result of the completion of the new Ninth Street bridge over the Los Angeles River. At the present time Ninth Street is 80 feet in width. Pacific Electric Railway Company operates a double track railway along this highway from Main Street to Alameda Street.

The district in the vicinity of the proposed crossing

is zoned as Class "C" property, which is the designation for the light industrial zone of the City of Los Angeles.

The record shows that the proposed spur will serve several industries located in the block to the north of Ninth Street between Kohler Street and Central Avenue. It was also shown that there is a tentative plan to extend the spur track, at some later date, across Kohler Street between Eighth and Ninth Streets, along the line of the 12-foot alley shown on the map accompanying the application. If such a program is carried out the track will then serve industries located on the westerly side of Kohler Street. It is estimated that for some time to come the daily train service on the proposed spur track will not exceed two movements of not more than two cars each.

The City of Los Angeles, by Ordinance No. 53,837 dated January 19, 1926, granted to Pacific Electric Railway Company permission to construct the proposed spur track at grade across Ninth Street, under certain conditions, among which is the following provision:

"(2) That no locomotive, train or car shall be operated or run over such track at a greater rate of speed than eight miles per hour; and that switching or running of cars or locomotives over said track shall be done only between the hours of 12:00 P.M. (midnight) and 6:00 A.M. of any day; and if required in the future by the Board of Public Utilities, or other authority of the City or State, all switching or running of cars or locomotives over said track shall be done during such hours as may be determined by said board."

In accordance with Ordinance No. 26,429 N.S. of the City of Los Angeles, all switching movements off Pacific Electric Railway Company's Ninth Street line are limited to three car trains, in addition to the motor or other operating device.

There was no objection by any of the interested parties to the granting of this application.

From the evidence in this record it appears that applicant

should be permitted to construct its track as proposed herein, subject to certain conditions. It would seem that the hours of switching should be restricted to the night time, after 12 o'clock midnight, when vehicular traffic is light and when the greater portion travels in an easterly direction from the business center of the city. In this case only the northerly half of Ninth Street will be crossed, which will interfere only with westbound traffic.

The following form of order is recommended:

### O R D E R

Pacific Electric Railway Company having filed the above-entitled application with the Railroad Commission, to construct a spur track at grade across the northerly half of Ninth Street in the City of Los Angeles, public hearing having been held, the Commission being apprised of the facts, the matter having been duly submitted and now ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it hereby is granted Pacific Electric Railway Company to construct its spur track at grade across the northerly half of Ninth Street in the City of Los Angeles, County of Los Angeles, State of California, as follows:

"Beginning at a point in the center line of the southwesterly track of the Pacific Electric Railway Company on East Ninth Street, said point being 5.75 feet southwesterly, measured at right angles to said center line of track, from a point in the center line of East Ninth Street distant southeasterly along said center line of East Ninth Street 435.86 feet from its intersection with the prolonged center line of Kohler Street; thence northerly along a curve concave to the east, tangent to said center line of track at the point of beginning, and having a radius of 150 feet, a distance of 120.35 feet to a point in the northeasterly line of East Ninth Street, said last mentioned point being distant southeasterly along said northeasterly line, 304.72 feet from the southeasterly line of Kohler Street."

and as shown by the map (C E H 9107) attached to the application; said crossing to be constructed subject to the following conditions, namely:

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

(2) Said crossing shall be constructed substantially in accordance with Standard No. 4, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement, and with grades of approach not exceeding two (2) 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) 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.

(5) Pacific Electric Railway Company and the owner of the industry for whose benefit this crossing is authorized shall, before actual construction of said crossing is undertaken, file with the Commission a stipulation or stipulations containing provisions, that, upon payment to them of a reasonable portion of the cost of constructing said crossing and track, permission will be granted by them to such other person, persons or corporation as may desire to use said track, the right to operate over same and the right to construct

a track across such portions of said owner's land as may be reasonably necessary to reach the property or business of such other person, persons or corporation together with the right to operate cars over same.

(6) No train, engine, motor or car shall be operated over this crossing between the hours of 6:00 A. M. and 12:00 P.M. (midnight).

(7) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(8) 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, the public convenience and necessity demand such action.

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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of May, 1926.

H. B. Brundage

C. Seaver

Leon Whitell