

ORIGINAL

Decision No. 17596.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the City of Long Beach, a municipal corporation, for the construction of a crossing of the right of way of the Pacific Electric Railway Company by public highways at the intersection of 39th Place and Livingston Drive in the City of Long Beach, County of Los Angeles, State of California.

Application No. 13,106.

BY THE COMMISSION:

O R D E R

The City of Long Beach, County of Los Angeles, State of California, filed the above entitled application with this Commission on the 13th day of August, 1926, and filed an amended application on the 14th day of October, 1926, asking for authority to construct a public street at or near the intersection of 39th Place and Livingston Drive at grade across the tracks of the Pacific Electric Railway Company, in the City of Long Beach as hereinafter set forth. Said City of Long Beach and said Pacific Electric Railway Company have informally agreed upon the terms of installation of said crossing as set forth in the amended application, and said Pacific Electric Railway Company has signified by letter that it has no objection to the granting of the amended application. It appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reason-

able nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this application, and that the application as amended 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 the City Council of the City of Long Beach, County of Los Angeles, State of California, to construct a public street at or near the intersection of 39th Avenue and Livingston Drive at grade across the tracks of the Pacific Electric Railway Company at the location hereinafter particularly described and as shown by the maps (Exhibits "A" and "F") attached to the application and amended application respectively.

That portion of the strip of land conveyed by the Alamitos Land Company to Pacific Electric Railway Company, by deed recorded at page 271 of Book 2202, of Deeds, Records of Los Angeles County, lying between the portion of Ocean Boulevard vacated by Resolution No. C-2744 of the city of Long Beach, and a line 25.55 feet easterly of, measured at right angles, and parallel to the prolongation northerly of the easterly line of 39th Place.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The expense of constructing the crossing shall be borne by applicant, and by Pacific Electric Railway Company in accordance with the terms set forth in the amended application. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Pacific Electric Railway Company.

(2) The crossing shall be constructed of a width not

less than twenty-four (24) feet and at an angle of approximately eighty (80) degrees to the railroad and with grades of approach as shown on Exhibit "F"; shall be constructed substantially in accordance with Standard No. 4 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon 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) 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 authority herein granted shall become effective on the date hereof.

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

H. K. Brundage  
C. J. ...  
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Commissioners.