

**ORIGINAL**Decision No. <sup>19276</sup>~~13694~~.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the Southern Pacific Company,  
a corporation, for Permission to  
Construct Certain Tracks at Grade  
across Certain Streets between 11th  
Street and Bay Street and across  
Lawrence Street to Provide Yard for  
Handling Perishable Freight.

Application No. 13694.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

In this proceeding Southern Pacific Company, in connection with the development of a team track yard for handling perishable freight and lying east of Alameda Street, sought permission to construct tracks at grade across Eleventh Street and certain other streets, including Ninth Street, north thereof.

In Decision No. 18877, dated October 4, 1927, this Commission granted applicant permission to construct all of the grade crossings applied for with the exception of the crossing of Ninth Street, subject to conditions to be set forth in a supplemental order to be issued following a determination of the plan of grade separation at Ninth and Lemon Streets. The application to cross Ninth Street at grade was denied in said decision.

On January 7, 1928, applicant filed a supplemental application in this matter in which temporary authority is requested to construct said track across Ninth Street at grade at

the location set forth in the application as follows:

NINTH STREET:

Beginning at a point in the southerly line of Ninth Street distant easterly thereon 8 feet, more or less, from the southeast corner of Ninth and Lemon Streets; thence northerly along a curve and a straight line 82 feet, more or less, to a point in the northerly line of Ninth Street distant easterly thereon 8.5 feet, more or less, from the northeast corner of Ninth and Lemon Streets.

Such authority is requested upon the distinct understanding and agreement by applicant that such construction is temporary only and that a subsequent application will be filed seeking permission to construct the track or tracks referred to in this application, together with the tracks of the Los Angeles and Salt Lake Railroad at separated grades with Ninth Street within three months after the effective date of an ordinance of the City of Los Angeles granting a permanent 21-year franchise to Southern Pacific Company and Southern Pacific Railroad Company for this crossing, provided that if such application is not filed with the Commission on or before July 1, 1928, said temporary track across Ninth Street is to be removed and service thereover discontinued upon order of this Commission.

The application sets forth that on December 30, 1927, the City Council of the City of Los Angeles unanimously voted to grant the permanent 21-year franchise and directed that the same be advertised for sale, the time and date of sale to be 10:00 A.M. on January 16, 1928; that the first notice of sale of the franchise was published in the Los Angeles Daily Journal on January 5, 1928; that the City Council also unanimously adopted the

recommendation of the Board of Public Utilities and Transportation that the applicant herein be granted authority to temporarily cross Ninth Street at grade rather than cross a portion of Alameda Street or Bay Street.

The Commission has been advised by applicant that the 21-year franchise was duly sold to the Southern Pacific Company and Southern Pacific Railroad Company on January 16, 1928.

Applicant states that negotiations have been conducted with the City of Los Angeles and with Los Angeles and Salt Lake Railroad Company in regard to the separation of grades at Ninth and Lemon Streets and that plans for the separation have been completed by the City. The plan proposes to raise the railroads about six feet and to depress the street a sufficient distance to give standard clearance.

It appears to the Commission that this is not a matter in which a public hearing is necessary and that the application to construct said temporary track at grade across Ninth Street should be granted, subject to certain conditions, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to Southern Pacific Company to construct a temporary railroad track at grade across Ninth Street in the City of Los Angeles, County of Los Angeles, State of California, at the location hereinafter particularly described and as shown by the map (L.A.Div'n. Dw. C-16 Sheet 1 of 1) attached to the application.

DESCRIPTION OF CROSSING

**NINTH STREET:**

Beginning at a point in the southerly line of Ninth Street distant easterly thereon 8 feet, more or less, from the southeast corner of Ninth and Lemon Streets; thence nor-

therly along a curve and a straight line 82 feet, more or less, to a point in the northerly line of Ninth Street distant easterly thereon 8.5 feet, more or less, from the northeast corner of Ninth and Lemon Streets.

Said crossing, together with the crossings authorized in this proceeding under Decision No. 18877, shall be constructed subject to the following conditions, namely:

(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, with the exception of the crossing of Lawrence Street, shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72, of this Commission, and all of said crossings shall be constructed of a width to conform to those portions of said streets now graded, with the tops of rails flush with the roadways and with grades of approach not exceeding those delineated on said drawing (L.A.Div'n. Dwg. C-16); 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. Said crossing of Lawrence Street shall be constructed equal or superior to type shown as Standard No. 3, in said General Order No. 72.

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

(4) If said crossings, exclusive of the Ninth Street crossing, shall not have been installed within

one (1) 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 authority herein granted to construct said temporary crossing of Ninth Street at grade is given upon the express condition set forth by applicant in its application that a further joint application for a separation of grades at Ninth Street will be filed by the interested parties within three (3) months after the effective date of the ordinance of the City of Los Angeles granting said permanent 21-year franchise and/or in any event on or before July 1, 1928. If such application for said grade separation is not filed on or before July 1, 1928, the authority herein granted to construct said track at grade across Ninth Street shall thereupon become null and void and said temporary track across Ninth Street shall be removed and the street restored to its present condition.

(6) No train, motor, engine or car shall be operated over said Ninth Street crossing between the hours of 7:30 A.M. and 10:00 A.M. and between the hours of 4:00 P.M. and 6:30 P.M. A uniformed police officer shall be maintained, at the expense of the applicant, for the protection of said Ninth Street crossing between the hours of 10:00 A.M. and 4:00 P.M. Said Ninth Street crossing shall be

further protected by crossing gates to be installed and maintained at the expense of applicant. Said gates to be operated from 6:30 P.M. to 7:30 A.M. daily.

(7) 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.

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

Dated at San Francisco, California, this 20<sup>th</sup> day of January, 1928.

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*Chas. E. ...*  
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*Ernest ...*  
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*David ...*  
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*M. J. ...*  
Commissioners.