

Decision No. 20225

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the County of Los Angeles for order authorizing grade crossing over the Southern Pacific Railroad Company's right-of-way at Manchester Avenue in said County.

Application No. 14158.

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Commission, by its Decision No. 19325, dated February 20th, 1928, in Application No. 14158, granted the County of Los Angeles authority to construct Manchester Avenue (re-named Firestone Boulevard), at grade across Southern Pacific Company's San Pedro Branch, under certain conditions, one of which, Condition (1), provides as follows:

"(1) Within ninety (90) days from the date of this order applicant shall file with this Commission certified copy or copies of agreement or agreements covering the entire cost of construction, maintenance and protection of said crossing. In the event that such an agreement cannot be reached by the interested parties, this Commission shall assess the above mentioned costs by supplemental order."

Thereafter, but not within the said ninety (90) days period, applicant requested the Commission to apportion the cost of constructing and maintaining the crossing, together with the required protective device, in accordance with an agreement entered into between applicant and Southern Pacific Company, dated July 14th, 1928. After carefully considering the terms of said agreement, it is our conclusion that the apportionment of expense proposed therein should not be approved as nothing has been presented that leads us to the conclusion that we should, in this case, deviate from our

usual and established basis of apportioning such costs; therefore,

IT IS HEREBY ORDERED that the cost of constructing and maintaining said crossing and automatic flagman shall be borne as follows:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of 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 Southern Pacific Company.

No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The cost of installing said automatic flagman shall be borne by applicant and the cost of maintenance of said flagman by Southern Pacific Company.

In all other respects this Commission's order heretofore entered in the above entitled proceeding shall remain in full force and effect.

Dated at San Francisco, California, this 15th day of October, 1928.

C. Searcy

Thos. S. Lovitt

W. J. Lane

Commissioners.