

ORIGINAL

Decision No. 21048

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of The Atchison, Topeka and Santa Fe Railway Company, a corporation, for authority to elevate and construct its tracks over and across Avenue 19, San Fernando Road (formerly Avenue 20) Avenue 21, Avenue 22, Avenue 23 and Avenue 26 in the City of Los Angeles, County of Los Angeles, State of California.

Application No. 15500.

BY THE COMMISSION:

O R D E R

The Atchison, Topeka and Santa Fe Railway Company, a corporation, filed the above entitled application with this Commission on the 25th day of March, 1928, asking for authority to elevate and construct its main line tracks over Avenue 19, San Fernando Road, (Avenue 20) Avenue 21, Avenue 22, Avenue 23 and Avenue 26 in the City of Los Angeles, County of Los Angeles, State of California.

An agreement between applicant and City of Los Angeles was entered into on January 10, 1929, which provides, among other things, that the City of Los Angeles will participate to the extent of Three Hundred Thousand (300,000.) Dollars in the construction of the entire project which has been estimated to cost Eight Hundred Fifty Thousand (850,000.) Dollars. In said agreement the City of Los Angeles also agreed to institute necessary legal proceedings to effect the closing to traffic of Avenues 21, 22 and 23 and the Alleys between Avenues 21 and 22, and 23 and 26, where

the same intersect and cross applicant's right-of-way and tracks, this agreement not to become effective until approved by this Commission.

The Los Angeles Railway Company owns and operates a line of street railway in and along San Fernando Road which now crosses applicant's main line at grade. Applicant alleges that on account of the benefits which will accrue to the Los Angeles Railway Company by the proposed separation of grades, the street railway company should reasonably be required to contribute toward the expense of the proposed grade separation at San Fernando Road, and with that end in view, negotiations are pending between applicant and said Los Angeles Railway Company. Applicant further alleges that if such negotiations fail of satisfactory accomplishment, the matter will be submitted to this Commission for its determination of the division between said parties of the expense of such a grade separation.

Applicant further alleges that Southern Pacific Company is planning to construct a track which will afford a connection between its main line and the tracks on the east bank of the Los Angeles River, which will cross applicant's main line adjacent to its bridge over the Los Angeles River, and that while the issues concerning such crossing are distinct from the proposed separation of grades of the public streets, it has some bearing on the proposed improvement. Inasmuch as this proposed crossing would involve one railroad crossing another, it is our opinion that it is a matter which should be given due consideration before actual construction of the separation proposed herein is commenced.

Said Los Angeles Railway Company and Southern Pacific Company have signified by letter that they have no objection to

the granting of this application in so far as it relates to the elevation of applicant's tracks in accordance with the proposed plan. However, no agreement has been reached between the parties as to division of cost of the work involving their respective interests. It appears to the Commission that the proposed plan of separations is in the public interest and that it should be authorized at this time to assist applicant in entering into the necessary negotiations with other parties effected and that the agreement between applicant and the City of Los Angeles should be approved. The apportionment of cost between applicant and both Los Angeles Railway and Southern Pacific Company will be dealt with by supplemental order. If it is found that parties cannot reach an agreement the matter will be set for public hearing on the points at issue.

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to The Atchison, Topeka and Santa Fe Railway Company to elevate and construct its main line tracks over Avenue 19, San Fernando Road (Avenue 20), Avenue 21, Avenue 22, Avenue 23 and Avenue 26 in the City of Los Angeles, County of Los Angeles, State of California, substantially in accordance with and at the location shown by the maps and profiles (C.E.C.L. 291-18751, C.E.C.L. 291-18750 - 2 sheets) attached to the application. Of these highways involved, undergrade crossings shall be constructed and maintained at this time only at Avenue 19, San Fernando Road and Avenue 26, with no provision for crossings at the other streets.

The above crossings shall be identified as follows:

<u>STREET</u>	<u>CROSSING NO.</u>
Avenue 19,	2-139.0-B
San Fernando Road,	2-138.9-B
Avenue 26,	2-138.6-B

Said undergrade crossings shall be constructed subject to the following conditions, and not otherwise:

(1) Said undergrade crossings shall be constructed with clearances conforming to provisions of the Commission's General Orders No. 26-C and No. 64-A.

(2) The cost of constructing said undergrade crossings, in so far as the City of Los Angeles is concerned, shall be borne in accordance with the agreement attached to and made a part of the application. The cost of constructing and maintaining the proposed separation between the tracks of applicant and both Southern Pacific and Los Angeles Railway shall be apportioned by supplemental order.

(3) Applicant shall, before commencement of construction, file with this Commission for its approval, a complete set of detailed plans of the proposed grade separations, including a plan of separation between the track of applicant and the proposed connecting track of Southern Pacific on the east bank of Los Angeles River. Said detailed plans, before being filed with the Commission, shall be approved by all other interested parties.

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

(5) If said undergrade crossings shall not have been installed within two (2) years from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) Applicant shall not use the granting of this application either by way of defense or agreement on the ground

of capital expenditure or in any way against any order of this Commission heretofore or hereafter made, providing for any railroad unification or terminal plans in the City of Los Angeles.

(7) The Commission reserves the right to make such further orders relative to the location, construction and maintenance 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 6th day of May, 1929.

C. S. ...

Leon O'Connell

M. J. ...

Commissioners.