

Decision No. 21099

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.

**ORIGINAL**

Application No. 13694.

In the Matter of the Application of The City of Los Angeles, Southern Pacific Railroad Company, a corporation, and Southern Pacific Company, a corporation, its lessee, and Los Angeles & Salt Lake Railroad Company, a corporation, asking for authority to separate the grade of East Ninth Street from the grade of the tracks of said railroad companies as now existing or as to be constructed at and near Lemon Street in said City of Los Angeles.

Application No. 15311.

BY THE COMMISSION:

THIRD SUPPLEMENTAL ORDER IN APPLICATION NO. 13694

ORDER IN APPLICATION NO. 15311

The crossings involved in the above entitled applications are located in the City of Los Angeles in the vicinity of Ninth and Lemon Streets and are incident to Southern Pacific Company's freight operation on the East bank of the Los Angeles River.

In Application No. 13694, Southern Pacific Company seeks permission to construct its track at grade across a number of streets between Eleventh Street on the South and Sacramento Street on the North and between Lemon Street on the East and Alameda Street on the West, in the City of Los Angeles. The Commission has heretofore, in its Decision No. 18877, dated October 4th, 1927, granted the company permission to construct its tracks at grade across all

the streets applied for in this application, except Ninth Street, subject, however, to conditions to be set forth in a supplemental order. By Decision No. 19276, dated January 20th, 1928, the company was authorized to construct its track at grade across Ninth Street, for a temporary period, with the provision that plans for the separation of grades at Ninth Street, between this highway and the tracks of both Southern Pacific Company and Los Angeles and Salt Lake Railroad Company, be filed with the Commission within a period of three (3) months. This supplemental order also imposed the conditions under which the crossings over the various other streets involved shall be constructed and maintained.

Application No. 15311, filed on January 7th, 1929, is a joint application by the City of Los Angeles, Southern Pacific Railroad Company, Southern Pacific Company and Los Angeles and Salt Lake Railroad Company and deals with a separation of grades between Ninth Street and the tracks of both Southern Pacific Company and the Los Angeles and Salt Lake Railroad Company, the separation to be effected by raising the tracks approximately six (6) feet and depressing the highway sufficient to provide the necessary vertical clearance. The general plan for this separation is shown on Drawing No. 30514, Revised Oct. 23, 1928, accompanying the supplemental application and marked Exhibit "B". The above parties, on May 6th, 1929, filed a supplemental application, setting forth an agreement as to division of cost of the entire project, estimated at \$486,000. It was agreed that the City of Los Angeles would pay twenty per cent (20%), Southern Pacific Railroad Company and Southern Pacific Company forty-two per cent (42%) and the Los Angeles and Salt Lake Railroad Company thirty-eight per cent (38%).

The Commission has heretofore indicated that a grade separation should be effected at Ninth and Lemon Streets, as agreed herein. There does not appear to be any reason why the Commission

should disturb the agreement as to division of cost on this project and it appears to this Commission that this is not a matter in which a public hearing is necessary and that authority should be granted for the construction of this undergrade crossing, therefore,

IT IS HEREBY ORDERED that Southern Pacific Railroad Company and Southern Pacific Company, its Lessee, Los Angeles and Salt Lake Railroad Company and the City of Los Angeles be and they are hereby authorized to abolish the grade crossing of Ninth Street with the tracks of said Southern Pacific Company and Los Angeles and Salt Lake Railroad Company, in the City of Los Angeles, in accordance with the terms of the agreement entered into on December 31st, 1928, a copy of which is attached to the supplement to Application No. 15311 and marked Exhibit "2"; said separation to be effected at the location as shown by the map marked "Drawing No. 30514, Revised Oct. 23, 1928", also attached to said supplemental application; subject, however, to the following conditions:

(1) The cost of construction and maintenance of said undergrade crossing shall be borne specifically in accordance with the terms of the agreement, entered into between the interested parties and attached to and made a part of the supplement to Application No. 15311, viz: City of Los Angeles twenty per cent (20%), Southern Pacific Railroad Company and Southern Pacific Company forty-two per cent (42%) and Los Angeles and Salt Lake Railroad Company thirty-eight per cent (38%).

(2) Said undergrade crossing shall be constructed with clearances conforming to provisions of this Commission's General Order No. 26-C.

(3) The City of Los Angeles shall, within ninety (90) days from the date of this order and before commencement of construction, file with this Commission, for its approval, a complete set of detailed plans for the grade separation herein authorized.

(4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the in-

stallation of said undergrade crossing.

(5) Said undergrade crossing shall be constructed within one year from the time the plans are approved by the Commission.

For all other purposes the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of May, 1929.

Paul S. Lott

C. Deane

Ernest

John Whitell

M. J. ...

Commissioners.