

Decision No. 21101

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)	
of City of Lynwood, for permis-)	
sion to construct a public street)	Application No.15291
over a railroad and grade cross-)	
ing. P.U. Act, Sec.43.)	

ORIGINAL

BY THE COMMISSION:

O R D E R

The City Council of the City of Lynwood, County of Los Angeles, State of California, filed the above entitled application with this Commission on the 26th day of December, 1928, asking for authority to construct a public street known as Elmwood Avenue at grade across the tracks of Pacific Electric Railway Company in the said City of Lynwood as hereinafter set forth. Said Pacific Electric Railway Company has signified by letter that it has no objection to the construction of said crossing at grade provided when a separation of grades at this crossing is required, which will probably be upon the completion of the entire improvement of Elmwood Avenue, the cost of same be apportioned 25 per cent to the Railroad Company and the remainder equally between the City of Lynwood and the County of Los Angeles. Inasmuch as this grade crossing will be temporary, pending the completion of the entire improvement of Elmwood Avenue, the Commission is of the opinion that, in this particular case, the railroad should not be required, when the separation of grades is necessary, to bear any more responsibility for the division of cost than would obtain if the grade separation were ordered at this time. It appears to this Commission that the present proceeding is not one in which a public

hearing is necessary; that it is neither reasonable 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 this application 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 Lynwood, County of Los Angeles, State of California, to construct Elmwood Avenue at grade across the tracks of Pacific Electric Railway Company at the location hereinafter particularly described and as shown by the map (Exhibit A) attached to the application.

Description of Crossing

Beginning at a point on the southerly line of the right of way of the Pacific Electric Railway Company, distant thereon 62.68 feet southeasterly from the intersection of the southerly line of said right of way, with the easterly prolongation of the southerly line of Lot A, Tract No. 6066 as shown on map recorded in Book 64, page 24 of Maps, Records of Los Angeles County, California; thence N. 57° 32' E., a distance of 115.48 feet to a point on the northerly line of said right of way; thence northwesterly along the northerly line of said right of way a distance of 150.12 feet to a point; thence S. 57° 32' W. 115.48 feet to a point on the southerly line of said right of way; thence southeasterly along the southerly line of said right of way a distance of 150.12 feet to the point of beginning, all in Lynwood, Los Angeles County, California.

The above crossing shall be identified as Crossing No. 6N-9.05.

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

(1) The entire expense of constructing the crossing shall be borne by applicant. 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 to (2) feet outside of the outside rails

shall be borne by Pacific Electric Railway 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 Pacific Electric Railway Company .

(2) The crossing shall be constructed of a width not less than seventy-four (74) feet and at an angle of approximately sixty (60) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No.3 as specified in General Order No.72 of this Commission; shall be protected by a Standard No.1 crossing sign as specified in General Order No.75 of this Commission and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) A Standard No.3 wigwag as specified in General Order No.75 of this Commission shall be installed and maintained for the protection of said crossing. The cost of installation, shall be borne by applicant. The cost of maintenance shall be borne by Pacific Electric Railway Company.

(4) Applicant shall neither use the granting herein of a crossing at grade with the tracks of the Pacific Electric Railway Company, nor any capital expenditure incurred in the construction of same, as defense or argument against any order of this Commission providing for a grade separation at said crossing, nor against the apportionment of cost of a grade separation based on the assumption that the grade crossing authorized herein did not exist.

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

(6) 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.

(7) 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 16th day of

May, 1929.

Frank Louis
O'Sullivan
Leon Whittell

Commissioners.