

Decision No. 21142

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.

ORIGINAL

Application No. 14158.

Everett W. Mattoon, County Counsel, by F. M.
Cross, Deputy County Counsel of the County
of Los Angeles, for the applicant.

Frank Karr, for the Southern Pacific Company
and the Pacific Electric Railway Company.

H. F. Holley, for the Automobile Club of
Southern California.

A. S. Halsted, for the Los Angeles and Salt
Lake Railroad Company.

DECOTO, COMMISSIONER:

SECOND SUPPLEMENTAL OPINION AND ORDER

The Commission issued its First Supplemental Order in
this proceeding, by Decision No. 20325, dated October 15th, 1928,
apportioning the cost of constructing and maintaining the Man-
chester Avenue (Firestone Boulevard) crossing over ^{Southern Pacific} ~~Pacific Elec-~~
~~tric Railway~~ Company's tracks, together with the protective de- *N.C.M.*
vices, as authorized in the Commission's Decision No. 19385, dated
February 20th, 1928. The County of Los Angeles, on March 18th,
1929, filed its petition for rehearing to consider the question of
apportionment of cost between the parties, as referred to in the
order of said Decision No. 20325. Whereupon, the Commission issued
its order reopening the matter for further hearing, which was held
at Los Angeles on March 30th, 1929.

The record in this case shows that the parties have agreed to a different apportionment of cost, with respect to the cost of constructing the crossing itself, as well as the protective device, than that which is usually prescribed by the Commission in similar cases, with full knowledge of what has been the usual policy of this Commission. In this case, it appears that the plan of apportionment of cost, as agreed to by the parties, should not be disturbed, as it is assumed that each party is competent to protect its own interests and apparently has given considerable thought to this problem. I will, therefore, recommend that the apportionment of cost, as indicated in the Commission's First Supplemental Order, for the construction of the proposed crossing, as well as the protective device prescribed therein, be set aside and in lieu thereof prescribe the apportionment in accordance with the terms of the agreement, filed with the Petition for Rehearing as Exhibit "A".

The following form of order is recommended:

O R D E R

A further hearing having been held in the above entitled application, for the purpose of considering the question of apportionment of cost between the parties for the construction of the crossing herein involved, together with the protective device, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED that Decision No. 20325, dated October 15th, 1928, issued as the First Supplemental Order in this proceeding, be and the same is hereby set aside.

IT IS HEREBY FURTHER ORDERED

I. That the cost of constructing and maintaining the said crossing of Manchester Avenue (Firestone Boulevard), as authorized by the Commission's Decision No. 19385, dated February

20th, 1928, be and the same is hereby apportioned in accordance with the terms of the agreement, dated July 14th, 1928, filed with the Petition for Rehearing as Exhibit "A".

II. That the cost of installing said automatic flagman be and the same is hereby apportioned in accordance with the terms of the said agreement, referred to as Exhibit "A". The maintenance of said automatic flagman shall be borne by Southern Pacific Company.

III. That the actual work of installing the crossing, between lines two (2) feet outside the rails, shall be performed by Southern Pacific Company.

In all other respects, this Commission's Decision No. 19385, dated February 20th, 1928, in this matter shall remain in full force and effect.

The foregoing Opinion and Order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 24th day of May, 1929.

Paul D. Louder

C. J. Jones

James Smith

W. J. Carr

Commissioners.