

Decision No. 21145

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the County of Los Angeles for order authorizing a grade crossing over the Pacific Electric Railway Company's right-of-way on Holmes Avenue.

ORIGINAL

Application No. 15385.

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. E. Holley, for the Automobile Club of Southern California.

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

DECOTO, COMMISSIONER:

O P I N I O N

In the above entitled application, the County of Los Angeles seeks an order authorizing a grade crossing at Holmes Avenue over the tracks of the Pacific Electric Railway Company. A public hearing was held in this matter at Los Angeles on April 30th, 1929. No opposition developed to the granting of this application and it appears that the parties are in agreement as to the manner of construction and location of the crossing. This application was set for hearing, primarily, for the purpose of considering the apportionment of cost of constructing and maintaining the crossing and any protective device prescribed, in accordance with the terms of an agreement filed with the application as Exhibit "D", and dated July 14th, 1928. The apportionment of cost in this agreement is somewhat at variance with that usually prescribed by the Commission in such cases. It appears

that the parties have given considerable thought to the question of apportionment of cost, with full knowledge of that usually prescribed by the Commission in its orders in such matters and it is assumed that the parties are each competent to take care of their interests in entering into such an agreement.

After carefully considering the evidence in this case, it appears that the application should be granted and the cost of constructing said crossing and protective device apportioned in accordance with the agreed plan, filed with the application as Exhibit "D".

The following order is recommended.

O R D E R

A public hearing having been held in the above entitled application, the matter having been duly submitted and being now ready for decision, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Supervisors of the County of Los Angeles, State of California, to improve Holmes Avenue at grade across the tracks of Pacific Electric Railway Company at the location hereinafter particularly described and as shown by the map attached to the application.

Description of Crossing

That portion of the Pacific Electric Railway Company's right-of-way as shown on map of First Addition to Huntington Park recorded in Book 4, page 40 of Maps, records of Los Angeles County, which lies between the prolongations, across said right-of-way of the easterly and westerly lines of Holmes Avenue, as shown on said map. To be known as Holmes Avenue.

The above crossing shall be identified as Crossing No. 6C-4.44.

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

- (1) The expense of improving and maintaining said cross-

ing shall be apportioned in accordance with the agreement, filed with the application as Exhibit "D". The actual work of constructing that portion of the crossing between lines two (2) feet outside of the outside rails, shall be performed by Pacific Electric Railway Company.

(2) The crossing shall be constructed of a width not less than eighty (80) feet and at an angle of approximately eighty (80) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to 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. 4 wig-wag, 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 in accordance with the terms of said agreement, filed with the application and marked Exhibit "D". The cost of maintenance shall be borne by Pacific Electric Railway Company.

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

(5) 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.

(6) 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.

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

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. Lovett
C. S. ...
Ernest ...
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Commissioners.