

Decision No. 21147

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 Dominguez Street.

ORIGINAL

Application No. 15447.

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:

O P I N I O N

In the above entitled application, the County of Los Angeles seeks permission to construct Dominguez Street at grade across the tracks of the Pacific Electric Railway Company. A public hearing was held in this matter at Los Angeles on April 30th, 1929. No disagreement developed between the parties as to the public necessity for the crossing or as to the manner of construction or location of same. 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 the agreement filed with the application as Exhibit "C", 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 and maintaining said crossing, as well as the protective device prescribed, apportioned in accordance with the terms of the agreement filed as Exhibit "C" with the application.

The following order is recommended.

O R D E R

A public hearing having been held on the above entitled application, the matter having been 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 construct Dominguez Street at grade across the tracks of Pacific Electric Railway Company at the location hereinafter particularly described and as shown by the map (O-290) attached to the application.

Description of Crossing

Beginning at the intersection of the Southeast-erly line of said right-of-way with a line that is parallel with and 30 feet southerly, measured at right angles, from the southerly line of Lot 1 of the Belvidere Tract, as shown on map recorded in Book 6, page 4 of Maps, records of said county; thence south-westerly along said southeasterly line to a line that is parallel with and 60 feet southerly, measured at right angles, from said southerly line; thence west-erly along said last mentioned parallel line to the southerly prolongation of the westerly line of Lot 2, said Belvidere Tract; thence northerly along said prolongation to first described parallel line; thence easterly in a direct line to the point of beginning.

The above crossing shall be identified as Crossing

No. 6R-18.32.

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

(1) The entire expense of constructing and maintaining said crossing shall be borne in accordance with the terms of the agreement filed with the application as Exhibit "C". 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 of approximately thirty (30) feet and at an angle of approximately fifty (50) degrees to the railroad and with grades of approach not greater than two (2) per cent; shall be constructed substantially in accordance with Standard No. 4, 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 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 seventy-five (75) per cent by applicant and twenty-five (25) per cent by Pacific Electric Railway Company. The cost of maintenance shall be borne by Pacific Electric Railway Company.

(4) The dirt embankments located in the four corners of said crossing shall be removed so as to provide a clear and unobstructed view for a distance of two hundred (200) feet on either side of said crossing from a point one hundred (100) feet on either side of said track at the sole expense of applicant.

(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.

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.

W. B. Smith

A. L. Lewis

E. W. Wood

W. J. Carr

Commissioners.