

Decision No. 21188

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
THE CITY OF LOS ANGELES, THE ATCHISON,
TOPEKA AND SANTA FE RAILWAY
COMPANY, and the LOS ANGELES & SALT
LAKE RAILROAD COMPANY, for a just
and equitable apportionment of the
cost of the construction of a viaduct
across the Los Angeles River and the
tracks of said railway company and
railroad company at Sixth Street, in
the City of Los Angeles.

ORIGINAL

Application No. 15627.

BY THE COMMISSION:

O R D E R

The City of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company and the Los Angeles and Salt Lake Railroad Company filed the above entitled application with this Commission on the 16th day of May, 1929, asking for authority to extend Sixth Street, in the City of Los Angeles, at separated grades over and across the tracks of The Atchison, Topeka and Santa Fe Railway Company, the tracks of Los Angeles and Salt Lake Railroad Company and the Los Angeles River.

The parties at interest have agreed as to the location, general type of construction and division of cost of this improvement, as set forth in the application, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary, that it is in the interest of public convenience and necessity that the viaduct be constructed and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that the City of Los Angeles, The Atchison, Topeka and Santa Fe Railway Company and Los Angeles and

Salt Lake Railroad Company be and they are hereby authorized to construct Sixth Street, in the City of Los Angeles, at separated grades over and across the tracks of The Atchison, Topeka and Santa Fe Railway Company and the tracks of the Los Angeles and Salt Lake Railroad Company, said crossings to be constructed subject to the following conditions:

(1) Plans and specifications for this viaduct shall be filed with this Commission before commencement of construction, bearing the approval of each of the applicants herein, said plans and specifications to be subject to the approval of this Commission.

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

(3) The cost of constructing said viaduct shall be borne in accordance with the agreement heretofore entered into between the interested parties and as set forth in the application, as follows:

"The Los Angeles & Salt Lake Railroad Company shall pay (for and on account of the other interested railroad companies) the extra cost of said viaduct, due to provision having been made for said elevated railroad structure from the said river bank to the said passenger station of the Southern Pacific Company, and for said elevated railroad structure for use of the Pacific Electric Railway Company, - the said extra cost of the viaduct being estimated at One Hundred Twenty-five Thousand Six Hundred Eighty-three (\$125,683.00) Dollars. After deducting said extra cost, the remainder of the cost of construction shall be apportioned and borne as follows:

The City of Los Angeles, seventy-five per cent (75%) of said total cost;

The Atchison, Topeka and Santa Fe Railway Company, twelve and one-half per cent (12½%) of said total cost;

The Los Angeles & Salt Lake Railroad Company, twelve and one-half per cent (12½%) of said total cost."

The cost of maintenance shall be apportioned in accordance with an agreement to be entered into between the parties, a certified copy

of which, together with a certified copy of the agreement apportioning the cost of constructing the viaduct, referred to above, shall be filed with this Commission within one hundred and twenty (120) days of the date hereof. Said agreements shall be subject to the approval of this Commission. In the event said agreement, relating to the maintenance of the said viaduct, is not filed with us within one hundred and twenty (120) days from the date hereof, the Commission will, by supplemental order, dispose of this matter.

(4) The interested parties may agree that one of them shall acquire the necessary lands, settle claims for damages and make contracts for the construction of a crossing at separated grades herein authorized. Should they fail to agree in this regard, such disagreement shall be reported to this Commission, whereupon an appropriate order will be entered.

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

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation and maintenance of said viaduct as to it may seem right and proper.

(7) The granting of this application shall not be used either by way of defense or argument on the ground of capital expenditure or in any way against any order of this Commission heretofore or hereafter made providing for any railroad unification or terminal plans in the City of Los Angeles.

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

Dated at San Francisco, California, this 28th day of May, 1929.

Thomas D. Lott
Chairman

Leon Whittell

Commissioners.