

Decision No. 22074.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of  
 the County of Los Angeles, the City  
 of Los Angeles, The Atchison, Topeka  
 and Santa Fe Railway Company, the Los  
 Angeles & Salt Lake Railroad Company,  
 the Pacific Electric Railway Company  
 and the Los Angeles Railway Corpora-  
 tion, for a just and equitable appor-  
 tionment of the cost of the construc-  
 tion of six certain viaducts across  
 the Los Angeles River, in the said  
 City of Los Angeles at Macy, Aliso,  
 First, Fourth, Seventh and Ninth  
 Streets.

Application No. 9671.

Gibson, Dunn and Crutcher, by S. M. Haskins,  
and Woodward M. Taylor, for the Los Angeles  
Railway Corporation.

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

Robert Brennan, for The Atchison, Topeka  
and Santa Fe Railway Company.

Erwin P. Werner, City Attorney, for the City  
of Los Angeles.

J. O. Marsh and F. F. Ball, for the Board of  
Public Utilities and Transportation of the  
City of Los Angeles.

Everett W. Mattoon, County Counsel, by R. W.  
Kinney, for the County of Los Angeles.

SEAVEY, COMMISSIONER:

SUPPLEMENTAL OPINION AND ORDER  
FOURTH STREET VIADUCT

Pursuant to an application filed by The Atchison, To-  
peka and Santa Fe Railway Company with this Commission, on August  
23rd, 1929, and with the approval of all interested parties, a

further hearing was held in the above entitled proceeding on January 30th, 1930, to consider the revised plan for the construction of a viaduct over the Los Angeles River and the adjacent railroad tracks at Fourth Street, and the re-apportionment of the expense of constructing such viaduct between the parties.

The record shows that the parties have agreed on a modified plan for the Fourth Street Viaduct (Exhibit No. 21), the estimated cost of which is \$2,264,951., as a substitute for the plan heretofore considered (Exhibit No. 20), the estimated cost of which was \$2,642,387. The saving in the expense of the new plan, amounting to \$377,436., has been accomplished through a revision in the design of the west approach, affecting the length of spans over the Santa Fe tracks, the re-arrangement of the track layout and the elimination of certain tracks of the Santa Fe. The record also shows that the parties have, through stipulation, approved this plan and the apportionment of the expense of constructing the same, expressed in percentage as follows:

|                                                      |                    |
|------------------------------------------------------|--------------------|
| City of Los Angeles.....                             | 25 $\frac{1}{2}$ % |
| County of Los Angeles.....                           | 25 $\frac{1}{2}$ % |
| Los Angeles & Salt Lake Railroad Company.....        | 13%                |
| The Atchison, Topeka & Santa Fe Railway Company..... | 21 $\frac{1}{2}$ % |
| Los Angeles Railway Corporation.....                 | 14 $\frac{1}{2}$ % |

It appears that the apportionment of cost has been worked out substantially on the same basis as that used by the Commission in its former decision in this matter (No. 21392, dated July 29th, 1929), with slight modifications, which have been agreed to. Through the new design, the apportionment of cost to all parties, except Los Angeles and Salt Lake Railroad Company, has been decreased, that company's portion having been increased \$3,780. The major part of the reduction in the estimated cost of the two plans has accrued to the Santa Fe, as a result of that company giving up certain track facilities and re-arranging the spacing of its tracks under the viaduct.

After carefully considering the record in this proceeding, it seems appropriate that the Commission should approve the plan shown on Exhibit No. 21, together with the agreed plan on apportionment of cost, and it is so provided in the following order, which is recommended.

SUPPLEMENTAL ORDER

Further public hearing having been held on the above entitled proceeding, in so far as Fourth Street is concerned, and the matter now being ready for decision;

IT IS HEREBY ORDERED that the order in Decision No. 21392, dated July 29th, 1929, in the above entitled proceeding, in so far as it refers to the apportionment, between the parties, of the cost of constructing the viaduct over the Los Angeles River and adjacent tracks at Fourth Street, and in so far as it refers to the approval heretofore given for any particular plan of said Fourth Street Viaduct, be and it is hereby rescinded and of no further force and effect.

IT IS HEREBY FURTHER ORDERED that the apportionment of cost between the parties, for the construction of said viaduct at Fourth Street, as set forth in Exhibit No. 21 attached to the application, be and it is hereby approved, i.e:

|                                                      |                    |
|------------------------------------------------------|--------------------|
| City of Los Angeles.....                             | 25 $\frac{1}{2}$ % |
| County of Los Angeles.....                           | 25 $\frac{1}{2}$ % |
| Los Angeles & Salt Lake Railroad Company...          | 13%                |
| The Atchison, Topeka & Santa Fe Railway Company..... | 21 $\frac{1}{2}$ % |
| Los Angeles Railway Corporation.....                 | 14 $\frac{1}{2}$ % |

subject, however, to the following condition:

The City of Los Angeles shall, within one hundred and twenty (120) days from the date of this order, file with the Commission, subject to its approval, detailed plans for the construction of said viaduct at Fourth Street, bearing the approval of all other parties.

In all other respects, this Commission's Decision No. 21392, dated July 29th, 1929, in the above entitled proceeding,

shall remain in full force and effect.

The authority herein granted shall become effective on 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 1<sup>st</sup> day of February, 1930.

C. L. Seaver

Leon Whitell

John S. Lott

M. J. Cunn

Commissioners.