

ORIGINAL

Decision No. 22592.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the CITY OF SANTA MONICA, a municipal corporation, for an order authorizing the crossing of certain railroad tracks of Southern Pacific Railroad Company and Pacific Electric Railway Company at grade at Twelfth Street extended, in the City of Santa Monica.

Application No. 15165.

Chester L. Coffin and O. H. Rhodes, for Applicant.
C. W. Cornell, for Southern Pacific Company and Pacific Electric Railway Company.

BY THE COMMISSION:

OPINION ON HEARING TO DETERMINE WHETHER PRIOR ORDER SHOULD BE RESCINDED, ALTERED OR AMENDED

The Commission, in its Decision No. 21299 dated June 28, 1929, on the above entitled application, granted authority to the City of Santa Monica to construct Twelfth Street at grade across the tracks of Southern Pacific Company and Pacific Electric Railway Company. In its opinion the Commission found that the public interest required the closing of an existing crossing at Eleventh Street but this finding was not carried into the order.

The City of Santa Monica contends that both Eleventh and Twelfth Streets should be opened across the railroad.

Accordingly, upon the Commission's own motion, the matter was reopened and a further public hearing held before Examiner Gannon at Santa Monica on June 5, 1930, to determine

whether or not the prior order should be set aside.

At the former hearing witnesses testified as to the necessity for the opening of a crossing at Twelfth Street and, at the hearing on the reopening of the proceedings, testimony was offered with a view of showing that maintenance of the present crossing at Eleventh Street was necessary.

It is apparent that both crossings would serve a certain local convenience, particularly to a few residents and business concerns located between Pennsylvania Avenue and the railroad. Pennsylvania Avenue is the first street south of and approximately parallel to the railroad.

In our view of the matter, public convenience and necessity do not warrant the maintenance of two crossings at this location, but it does appear that a crossing at either Eleventh Street or Twelfth Street will reasonably well serve the travelling public. Although, at the present time, operation over the railroad is light, it is possible that in the future such operations may be materially increased in number.

An order will be entered setting aside the prior opinion and order in this matter.

O R D E R

The above entitled proceeding having been reopened, a public hearing having been held and the matter having been duly submitted,

IT IS HEREBY ORDERED that Decision No. 21299, dated June 28, 1929, in the above entitled proceeding be and the same is hereby set aside, and

IT IS HEREBY FURTHER ORDERED that permission and

authority be and it is hereby granted to the City Council of the City of Santa Monica, County of Los Angeles, State of California, to construct Twelfth Street at grade across the tracks of Southern Pacific Company and Pacific Electric Railway Company at the location hereinafter particularly described and as shown by the map attached to the application.

DESCRIPTION OF CROSSING

Beginning at a point on the southeasterly line of Colorado Avenue, said point being the intersection of the northeasterly line of Twelfth Street produced southeasterly with the southeasterly line of Colorado Avenue; thence southeasterly along said northeasterly line of Twelfth Street produced southeasterly to its intersection with the southeasterly line of the Southern Pacific Railroad Company's 100 foot right-of-way; thence southwesterly along said southeasterly line of said 100 foot right-of-way to its intersection with the southwesterly line of Twelfth Street produced southeasterly; thence northwesterly along the southwesterly line of Twelfth Street produced southeasterly to its intersection with the southeasterly line of Colorado Avenue; thence northeasterly along the southeasterly line of Colorado Avenue to the point of beginning.

The above crossing shall be identified as Crossing No. 6A-16.93.

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

(1) The entire expense of constructing the crossing, together with the cost of moving or relocating any railroad facilities, shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of eighty-five (85) degrees and forty-seven (47) minutes to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 3, as specified in General Order No. 72 of this Commission; shall be protected by two Standard No. 1 crossing signs, 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) The spur track located within site of said crossing shall be moved and relocated outside of the site of said crossing.

(4) Prior to the beginning of actual construction on the crossing herein authorized, City of Santa Monica shall file with this Commission a certified copy of the appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing of Eleventh Street, located approximately four hundred (400) feet west of the crossing herein authorized. Upon completion of the crossing herein authorized and prior to its being opened to public use, the existing public crossing of Eleventh Street, mentioned above, shall be legally abandoned and effectively closed to public use and travel.

(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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 25 day of June, 1930.

W. J. [Signature]

[Signature]

[Signature]

Commissioners.