

Decision No. 22968**ORIGINAL**

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 LOS ANGELES & SALT LAKE RAILROAD COMPANY,  
 a corporation, for permission to maintain  
 and operate existing spur track with  
 impaired clearances. )  
 ) Application  
 ) No.15788  
 )

E. E. Bennett, for Applicant.  
 Harry See, for Brotherhood of Railway Trainmen, Protestant.  
 C. F. Irvine, for Brotherhood of Locomotive Firemen and  
 Enginemen, Protestant.

BY THE COMMISSION -

OPINION

Los Angeles & Salt Lake Railroad Company, a corporation, has petitioned the Railroad Commission for an order authorizing the maintenance and operation of a certain spur track, known as Track No.151 and located on its Pasadena Branch in the City of Los Angeles, said track crossing Sixth Street in the City of Los Angeles and running in a generally southerly direction in an alley located between Anderson Street and Clarence Street, said track having been constructed in November, 1906, under authority of ordinance No.12946 (New Series) as granted by the City of Los Angeles. It is desired to maintain and operate said spur track with impaired clearances, other than those prescribed by the Commission's General Order No.26-C.

Public hearings on this application were conducted by Examiner Handford at Los Angeles, the matter was duly submitted and is now ready for decision.

It appears from the record herein that there has been constructed on the premises lying easterly of said alley and spur track a brick building, the erection of said building resulting

in an inadequate clearance and also rendering the applicant unable to serve the industries located on the spur track beyond said building if proper legal clearance is to be maintained.

The side clearance required by General Order No.26-C of the Railroad Commission, as effective April 1, 1927, for structures four feet or more above the top of rail is eight feet and six inches (8' 6"), the side clearance of the existing brick building which has been erected on the property adjoining the alley is but six feet and eight inches (6' 8") or one foot and ten inches (1' 10") less than the standard clearance required by the General Order.

Since the filing of this application, proceedings have been instituted before the City Council of the City of Los Angeles by the majority of the property owners owning the abutting property on the alley in which the spur track is located, said proceeding having as its object the widening of the alley in question, such widening when accomplished caring for the impaired clearance now existing and also enabling the applicant to properly serve the industries located along the spur track beyond the point at which the present impaired clearance exists. The present status of this widening proceeding is that a map is to be prepared by the City Engineer of Los Angeles and submitted to the City Council, said map to show the property to be acquired by condemnation, whereupon the City Council will issue its resolution of intention and proceed with the necessary condemnation proceedings and the subsequent work of widening the alley.

Under these circumstances, as revealed by the record herein, we are of the opinion that this application should be granted, at least until such time as the widening proceedings as now in course of prosecution by the City Council of Los Angeles are completed when adequate clearance as required by this Commission's General Order No.26-C will be in evidence.

The order herewith will so provide.

ORDER

A public hearing having been held on the above entitled application, the matter having been duly submitted, the Commission being fully advised and basing its order on the conclusion as contained in the opinion which precedes this order,

IT IS HEREBY ORDERED that applicant Los Angeles & Salt Lake Railroad Company, a corporation, be and the same hereby is granted permission and authority to maintain and operate a certain spur track on the Pasadena Branch of its line of railroad, said spur track being located in an alley between Clarence Street and Anderson Street in the City of Los Angeles, with impaired side clearance of six feet and eight inches, (6' 8"), instead of the standard side clearance of eight feet, six inches (8' 6"), as prescribed by General Order No.26-C of this Commission, the authority hereby granted to expire on April 1, 1931, unless such authority is further extended by supplemental order of this Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of October, 1930.

W. J. C.  
COMMISSIONERS.