

Decision No. 2407K.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CITY OF HUNTINGTON PARK, a municipal corporation,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY, a railroad corporation,

Defendant.

ORIGINAL

Case No. 2188.

In the Matter of the Investigation on the Commission's own motion into protection, construction, alteration and necessity for the crossings of the track of Southern Pacific Company at Saturn Avenue, Lyfort Avenue and Irvington Avenue, in the City of Huntington Park, County of Los Angeles, State of California.

Case No. 2209.

BY THE COMMISSION:

THIRD SUPPLEMENTAL OPINION AND ORDER

The Commission, by its Second Supplemental Order in Decision No. 23548, dated March 31st, 1931, on the two above entitled proceedings, directed Southern Pacific Company to improve the grade crossing of Irvington Avenue and its tracks, in the City of Huntington Park, by means of constructing the tracks at approximately the same level and substantially in accordance with the plan as shown by Los Angeles County's Exhibit No. 1, filed February 9th, 1926, in these proceedings, subject to certain conditions, one of which provided that the expense of improving the crossing should be

borne by Southern Pacific Company and the maintenance apportioned between the railroad, the City of Huntington Park and the County of Los Angeles.

This order also directed the County of Los Angeles to raise, or cause to have raised, the surface of Alameda Street on the westerly side of the railroad company's right of way to an elevation so as to permit of the construction of a grade of approach between the paved section of Alameda Street and Southern Pacific Company's tracks at Irvington Avenue on a gradient not to exceed four (4) per cent and substantially in accordance with plans shown on the County's Exhibit No. 1. The cost of raising Alameda Street was assessed to the County of Los Angeles.

This order further provided that the work incident to the improvement of this grade crossing should be completed on or before August 31st, 1931, and that upon the completion of the improvement of the Irvington Avenue crossing, the grade crossing at Lyfort Avenue should be closed to public use and travel.

On August 31st, 1931, the County of Los Angeles and the City of Huntington Park filed a joint petition, seeking a modification of the Commission's order in its said Decision No. 23548. In this petition the Commission is asked to make its further order, authorizing the improvement of the Irvington Avenue crossing by means of lowering the tracks to approximately the same level as Alameda Street at Irvington Avenue, in accordance with a plan to be filed with the Commission.

The petition sets forth that the County of Los Angeles, the City of Huntington Park and Southern Pacific Company have reached a tentative agreement as to the apportionment of cost of constructing and maintaining the crossing.

Under date of September 18th, 1931, Southern Pacific Company advised that it had no objection to the issuance of an order

authorizing the improvement of the Irvington Avenue crossing, as sought in the joint petition, provided that the cost of the work was borne in accordance with an agreement which is in the process of being executed between the parties.

Under the conditions, the Commission is agreeable to the granting of the petition and the following order will so provide.

O R D E R

Good cause appearing,

IT IS HEREBY ORDERED;

I. That the Commission's Decision No. 18534, dated June 20th, 1927, Decision No. 22954, dated October 7th, 1930, and Decision No. 23548, dated March 31st, 1931, in the above entitled cases, are hereby revoked.

II. That Southern Pacific Company, the County of Los Angeles and the City of Huntington Park are hereby authorized to improve the Irvington Avenue grade crossing by lowering Southern Pacific Company's tracks so as to permit of grades of approach not in excess of four (4) per cent between Alameda Street, in the County of Los Angeles, and the tracks on the one side, and along Irvington Avenue to the tracks, in the City of Huntington Park, on the other side, under the following conditions:

- (1) The above crossing shall be identified as Crossing No. BG-487.9.
- (2) Said crossing shall be constructed in accordance with plans to be filed with the Commission, subject to its approval, within one hundred twenty (120) days from the date of this order, which plans shall provide for the construction of two Standard No. 3 wigwags for the protection of the crossing.
- (3) The cost of constructing and maintaining said crossing, together with the protection, shall be borne in accordance with an agreement to be entered into between the County of Los Angeles, the City of Huntington Park and Southern Pacific Company, a certified copy of which shall be filed with this Commission within one hundred twenty (120) days from the date of this order and subject to the Commission's approval.

- (4) Southern Pacific Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of the compliance with the conditions hereof.
- (5) The work of improving the crossing shall be completed within one (1) year from the date of this order, unless further time is granted by subsequent order.

III. That, upon the completion of the improvement of the Irvington Avenue crossing, as directed in this decision, the public crossing (identified as Crossing No. BG-488.0), over Southern Pacific Company's tracks at Lyfort Avenue, in the City of Huntington Park, Los Angeles County, shall be effectively closed to public travel and, upon the completion of said improvement of Irvington Avenue, said Southern Pacific Company is hereby directed to construct the necessary barriers to effectively and adequately close the said Lyfort Avenue crossing. The expense of closing said crossing shall be borne by said Southern Pacific Company.

IV. That the above entitled cases, in so far as they involve Saturn Avenue, are hereby dismissed without prejudice.

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 28th day of September, 1931.

W. B. Haring
Leon A. Haring
W. B. Haring
Fred G. Stewart
Commissioners.