

ORIGINAL

In the matter of the applications of  
 CITY OF LOS ANGELES for an order  
 granting permission to construct a  
 railroad track from the Pacific Elec-  
 tric Railway track at Seventh Street  
 southerly on McFarland Street to Tide-  
 lands and thence along the water front  
 to Pier A, across a certain spur track  
 of the Southern Pacific Railroad Com-  
 pany, at grade, and determining and  
 prescribing the manner and the terms of  
 installation, operation, maintenance,  
 use, and protection of such crossing,  
 and in the matter of the application of  
 the CITY OF LOS ANGELES for an order  
 granting permission to construct a rail-  
 road track in McFarland Street across a  
 certain track of the Southern Pacific  
 Railroad Company, at grade, and prescrib-  
 ing the manner and the terms of installa-  
 tion, operation, maintenance, use and  
 protection of such crossing.  
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Applications Nos. 1314 and 1315

Albert Lee Stevens for the City of Los Angeles.

George D. Squires for the Southern Pacific Company.

Frank Kerr for the Pacific Electric Railway Company.

GORDON, Commissioner.

OPINION.

The above two applications refer to the same spur track and were therefore consolidated. The applications state that the City of Los Angeles, under Section (2) of Article (1) of its Charter, has the right and power to "acquire by purchase, lease, condemnation, or otherwise, or construct, and to own, maintain, equip and operate telephone systems and telegraph systems, or other means of communication; also street railways, railroads and interurban railroads, steamships, steamboats, sailing vessels, ferries, or other means of conveyance, by land or water, between points within the city limits, or from points within to points without the city limits, either within or without the State of California, for the purpose of transporting passengers and freight, or either." Under this provision the

applicant is now constructing a railroad track, the location of which is shown on maps and profiles attached to the applications, and marked Exhibit "A". The purpose of this track is to furnish a connection with the Pacific Electric Railway Company and the municipal water front, said track running from the Pacific Electric Railway track at Seventh Street southerly on McFarland Street to Tidelands, and thence along the water front from McFarland Street to Pier "A", in the City of Los Angeles. This municipal track when built will cross the tracks of the Southern Pacific Railroad Company at two points:

First, at the intersection of the center line of the municipal track with the center lines of the two-tracks of the Southern Pacific Railroad Company's spur, at engineer's stations 25 + 97 and 26 + 20, respectively, as shown on the map attached as Exhibit "A" to application 1314.

Second, at the intersection of the center line of the municipal track with the center line of the single track of the Southern Pacific Railroad Company's spur, at engineer's station 17 + 80, this crossing being known as the McFarland Street crossing, and more particularly shown on the map attached as Exhibit "A" to application 1315.

The power for operating over said municipal track may be either steam or electric, or both, electric current to be carried on overhead trolley wire. The City of Los Angeles desires to construct both of these proposed crossings at grade. It is contended that a separation of grades is impractical for the reason that the proposed track is in the nature of a belt line along the water front and will require branches, sidings and connections of various kinds from time to time, and that a separation of grades would make it impossible to use this track for the purpose for which it is intended.

The matter was set for a hearing for the reason, as stated by the City of Los Angeles, that the Southern Pacific Railroad Company was unwilling to grant the necessary easements and permission for the proposed crossings. The hearing was held in Los Angeles on December

9, 1914. An investigation made by the Commission's engineering department prior to the hearing showed that the facts were as set out by the applicant. I am satisfied that a separation of grades of these proposed crossings is out of the question, and that the application should be granted.

It also appears that immediately subsequent to the hearing the applicant and the Southern Pacific Railroad Company entered into an agreement for the installation, protection and operation of these crossings, a certified copy of which has been filed with the Commission. Reference is hereby made to this agreement.

I hereby submit the following form of order.

O R D E R

CITY OF LOS ANGELES, a municipal corporation, having on September 4, 1914, filed with the Commission its applications for permission to construct a railroad track at grade across the tracks of Southern Pacific Railroad Company, in the locations as described in the opinion preceding this order, and a public hearing having been held, at which all interested parties were represented, and it appearing to the Commission that it is not reasonable nor practicable to avoid grade crossings at said locations, and that the applications should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, That permission be hereby granted City of Los Angeles to construct its municipal track at grade across the tracks of Southern Pacific Railroad Company at the points hereinbefore described, subject to the following conditions, viz.:-

(1) The City of Los Angeles shall, at its own cost and expense, install and maintain in good condition and repair the necessary crossing frogs and rails to carry the engines, trains, motors and cars of the interested parties.

(2) All electric wires, trolley wires and guard wires at said crossings shall be installed and maintained in compliance with the provisions of this Commission's General Order Number 26, prescribing

"Regulations governing clearances and construction at crossings of railroads, street railroads, telegraph, telephone, signal, trolley and power lines, with each other and with streets and public highways; also other overhead and side clearances of railroads, street railroads and wire lines."

(3) No engine, train, motor or car shall be permitted to stand on either of said crossings, or to obstruct the same further than may be necessary for its passage thereover.

(4) In the passage of engines, trains, motors and cars of the respective parties over either of said crossings, the engines, trains, motors or cars of the Southern Pacific Railroad Company shall at all times have precedence in the use of said crossings.

(5) Until the erection and satisfactory operation of an interlocking switch and signal system, controlling the movement of engines, trains, motors and cars of said railroads, no engine, train, motor or car of the applicant shall be permitted to pass over said crossings until one of the crew, or other employee of the applicant, shall first go upon the crossing to ascertain that no engine, train, motor or car of the Southern Pacific Railroad Company is approaching the crossing from either direction, whereupon he may signal his engine, train, motor or car to proceed over the crossing if no engine, train, motor or car of the Southern Pacific Railroad Company be approaching.

(6) The crossing designated as Number (2), in the opinion preceding this order, and known as the McFarland Street crossing, shall be ballasted with first-class stone or gravel ballast to a depth of not less than six (6) inches, and in every way be made safe for the passage thereover of vehicles and other road traffic.

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 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 30th day of December, 1914

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*H. D. Ireland*

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*Wm. G. Anderson*

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*Edwin O. Edgerton*

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Commissioners.