

Decision No. 28395

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA,

In the Matter of the Application of
the People of the State of California,
on relation of the Department of Public
Works, for an order authorizing the con-
struction of a crossing at separated grades
of Soto Street and the tracks of the
Southern Pacific Railroad, near Lincoln
Park, in the City of Los Angeles, Los
Angeles County, State of California.

Application No. 20247.

BY THE COMMISSION:

O R D E R

The People of the State of California, on relation of the Department of Public Works, on November 8, 1935, applied for authority to construct a public highway known as Soto Street at separated grades over the main line tracks of Southern Pacific Company in the City of Los Angeles. Southern Pacific Company has signified in writing that it has no objection to the construction of said overgrade crossing.

Soto Street is a city street under the jurisdiction of the City of Los Angeles and applicant's obligation with reference to the proposed crossing extends only to the construction thereof, which it will do with funds made available for the purpose by the Federal Government. The maintenance of the crossing should therefore be assessed to the City of Los Angeles.

It appears that upon completion of the overgrade crossing the existing crossing at grade of Soto Street with said tracks can be abolished and the vacating and closing of this crossing will be a condition of this order.

It appearing that a public hearing is not necessary herein; that it is in the interest of public convenience and necessity that the overgrade crossing be constructed and that the application should be granted,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as Soto Street at separated grades over the main line tracks of Southern Pacific Company in the City of Los Angeles, County of Los Angeles, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan attached to the application, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. B-484.4-A.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The crossing shall be maintained by the City of Los Angeles. Prior to the beginning of actual construction, applicant shall file a certified copy of a resolution or other action by the City Council of said city, that it will assume the cost of maintaining said crossing.
- (3) Prior to the commencement of construction, applicant shall file with the Commission a plan for said crossing showing clearances, and roadway widths, which plan shall have been approved by the interested parties.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Within six (6) months from the date of this order, applicant shall file a certified copy of an agreement between the interested parties covering the terms of construction and maintenance of said crossing.

- (6) Prior to the beginning of actual construction of the crossing herein authorized, applicant shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed by the City Council of the City of Los Angeles, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing at Soto Street and identified as Crossing No. B-484.4. Upon the completion of the separation herein authorized and upon its being opened to public use and travel, said Crossing No. B-484.4 shall be legally abandoned and effectively closed to public use and travel.
- (7) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (8) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

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

Dated at San Francisco, California, this 25th day of November, 1935.

Leon A. W. Kelly

M. J. C. C.

M. B. C. C.

Frank R. C. C.

Commissioners.