

Decision No. 28326 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of SOUTHERN  
PACIFIC COMPANY for an order authorizing  
construction at grade of two spur tracks  
in and across Lyon Street, and a spur  
track at grade across a spur track of The  
Atchison, Topeka & Santa Fe Railway Com-  
pany, in the City of Los Angeles, County  
of Los Angeles, State of California.

Application

No. 20831

BY THE COMMISSION:

O R D E R

ORIGINAL

Southern Pacific Company, a corporation, on October 27th, 1936, applied for authority to construct two spur tracks at grade in and across Lyon Street, and a spur track at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Los Angeles, County of Los Angeles, State of California. A temporary permit (letter dated September 17th, 1936 attached to the application), has been granted by the Board of Public Works of said city for the construction of said crossing of Lyon Street at grade. The Atchison, Topeka and Santa Fe Railway Company has consented, in writing, to the construction of said spur track across its spur track. It appearing that a public hearing is not necessary herein; that it is neither reasonable nor practicable at this time to provide grade separations or to avoid grade crossings at the points mentioned and that the application should be granted subject to certain conditions;

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct two spur tracks at grade in and

across Lyon Street, in the City of Los Angeles, County of Los Angeles, State of California, at the locations more particularly described in the application and as shown by the map (Drawing D-794), attached thereto, subject to the following conditions:

- (1) The above crossing of Lyon Street shall be identified as Crossing No. B-482.92-C.
- (2) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition for safe and convenient use of the public, shall be borne by applicant.
- (3) Said crossing shall be constructed equal or superior to the type shown as Standard No. 2, in our General Order No. 72, and shall be constructed without superelevation and of a width to conform to that portion of said street now graded, with the tops of rails flush with the pavement and with grades of approach not exceeding two (2) per cent, and shall be protected by 2 Standard No. 1 crossing signs as specified in our General Order No. 75-A.
- (4) Applicant shall, within ninety (90) days, submit a certified copy of a franchise from the City of Los Angeles, for the construction of said crossing at grade and, in the event that this is not done, the authorization herein granted for the installation of said crossing shall then lapse and become void, unless further time is granted by subsequent order.
- (5) No train, engine, motor or car shall be operated over said crossing unless said train, engine, motor or car shall be first brought to a stop and traffic on the highway protected by a member of the train crew or other competent employee acting as flagman.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company is hereby authorized to construct a temporary spur track at grade over a spur track of The Atchison, Topeka and Santa Fe Railway Company, in the City of Los Angeles, at the location more particularly described in the application and as

shown by the letter "D" and by the words "Temporary Crossing" on the blueprint map attached thereto, subject to the following conditions:

- (1) The entire expense of constructing and thereafter maintaining the crossing in good and first-class condition, for safe and convenient railway use, shall be borne by the applicant.
- (2) All trains, motors, engines and cars of applicant and of The Atchison, Topeka and Santa Fe Railway Company shall stop before proceeding across said crossing and shall not pass thereover until a member of the train crew or other competent employee has gone upon the crossing to ascertain that it is safe so to do and shall have given a suitable signal to proceed.

The authorization herein granted is for a temporary period of eighteen (18) months and Southern Pacific Company is hereby authorized to construct and operate, prior to this expiration date, a permanent crossing at the location identified by the letter "F" and the words "Permanent Crossing" on the blueprint map attached to the application and the same restrictions, which are imposed above for the construction and operation over the temporary crossing, shall govern the operation over the permanent crossing authorized herein. Upon completion of the permanent crossing, the temporary crossing at point "D" shall be abandoned and removed.

This entire Order is subject to the following conditions:

- (1) Applicant shall not use the granting of this application either by way of defense or argument on the ground of capital expenditure or in any way whatsoever against any order of this Commission heretofore or hereafter made providing for any railroad unification or terminal plans in the City of Los Angeles.

- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings and of its compliance with the conditions hereof.
- (3) 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.
- (4) 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, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 30th day of November, 1936.

M B Harris  
Leon Whitell  
M A Carr  
Walter A. Brown  
Brewer R. Brown  
COMMISSIONERS.