

Decision No. 30613.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of application of Southern Pacific Company for an order authorizing construction of spur track at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company near Bauchet Street, in the City of Los Angeles, County of Los Angeles, State of California.

ORIGINAL

Application No. 21648.

BY THE COMMISSION:

O R D E R

Southern Pacific Company, a corporation, on December 15th, 1937, applied for authority to construct a spur track at grade across a spur track of The Atchison, Topeka and Santa Fe Railway Company near Bauchet Street, in the City of Los Angeles, County of Los Angeles, State of California. The Atchison, Topeka and Santa Fe Railway Company has consented, in writing, to the construction of said crossing at grade 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 a grade separation or to avoid a grade crossing at the point mentioned and that the application should be granted, subject to certain conditions; therefore,

IT IS HEREBY ORDERED that Southern Pacific Company is hereby authorized to construct 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, at the location more particularly described in the

application and as shown by the map (Drawing B-1544), 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 in accordance with the terms of an agreement, a certified copy of which shall be filed within one hundred twenty (120) days after the date of this Order. Should said agreement not be filed within above time and further time not be granted by subsequent order, said costs will be apportioned by supplemental order.
- (2) All trains, motors, engines and cars of applicant and 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.
- (3) 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.
- (4) 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.
- (5) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.
- (6) 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, public

convenience and necessity demand such action.

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

Dated at San Francisco, California, this 14th day of February, 1938.

William H. Hall
John A. Whelan
Joseph P. Sullivan

Commissioners.