

Decision No. 11765

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)	
of the City of Santa Ana for an)	
order authorizing the construction)	Application No. 8605
of a crossing of Pacific Electric)	
Railway of Myrtle Street at grade)	
in said city.)	

Geo. H. Scott, City Attorney and Head, Rutan & Scovel
by E. C. Head, for applicant.

R. C. Gortner, for Pacific Electric Railway.

BY THE COMMISSION:

O P I N I O N

This is an application by the City of Santa Ana for permission to construct Myrtle Street at grade across the Huntington Beach branch of Pacific Electric Railway Company.

A public hearing was held on this application in the City of Santa Ana February 14, 1923 before Examiner Williams.

Myrtle Street now extends in a westerly direction from the railroad practically across the city and it is now desired to construct it easterly across the track and as far as Halladay Street for the purpose of developing a new subdivision for residential purposes in the southeasterly portion of the city. There is a private crossing now in use at this location and the public crossing will replace this private crossing.

The Huntington Beach branch of the Pacific Electric is a single track railroad running in a northerly and southerly direction in this vicinity over which at present no passenger service is given and freight service is limited to an occasional movement at night. The bridge on which this branch was taken across the Santa Ana River has been removed on account of its obstruction to the flow of flood waters in the river and is to be replaced by a new structure probably within the year. When this bridge is replaced it is proposed to operate one passenger car each way daily and if business seems to justify additional service will be provided. Freight service north of Chestnut Street is limited by City Ordinance to the hours between 10:00 p.m. to 6:00 a.m. Myrtle Street is only three hundred feet south of Chestnut Street, a through east and west street which crosses the railroad. It is clear that the territory south of Chestnut Street and east of the railroad could have been subdivided in a manner which would have eliminated the necessity of a crossing at Myrtle Street but due to the fact that Orange Avenue is an improved north and south thoroughfare one block west of the railroad it is only natural that this land should be so subdivided as to give the most direct access possible to Orange Avenue. The only objection to such an arrangement is the hazard involved in a grade crossing over the railroad.

Physical conditions at Myrtle Street are not such as to make this crossing unusually hazardous. The territory is flat, the top of rail is approximately one and one-half feet above the adjacent ground, the track is straight and approximately level, and the proposed crossing would be at right angles. The view is partially obstructed by walnut trees, which in the future undoubtedly will largely be replaced with buildings.

The Pacific Electric opposes the granting of this application on the ground that if this crossing is opened only three hundred feet south of Chestnut Street crossing it is only reasonable to expect that other crossings between Myrtle Street and the next crossing to the south, Wisteria Place, some seventeen hundred feet distant, will also be desired and for the further reason that this territory could be so subdivided as to give adequate access to this territory without constructing additional crossings. The railroad contends that the public interest demands that crossings be kept at a minimum over the line so that high speed interurban service could be given.

There was no dispute as to the fact that under the present conditions the hazard at this crossing would be negligible and the only question at issue is whether or not this railroad track will in the future become a sufficiently important traffic artery to make a grade crossing over it a serious public hazard. Witness for the protestant stated that in his opinion this crossing would not be a really serious hazard until the railroad operated trains at approximately one-half hour intervals. We are of the opinion that if trains are operated at even one-half this frequency a crossing would not be justified at a location only three hundred feet from the Chestnut Street crossing particularly since it will serve a small territory which can, with a relatively small inconvenience be reached by way of Chestnut and Oak Streets, the latter being a north and south unimproved street east of the track. The City of Santa Ana is rapidly growing and no unreasonable barriers should be thrown in the way of its development, and the probability of even hourly service being given on this railroad

is so remote that we do not believe the development of the city should at this time be hampered by the denial of this application. But in granting this application we wish to definitely warn the city and all interested parties that should a heavy railroad traffic develop on this railroad, it would clearly be the duty of the Commission to revoke its permission for the maintenance of this crossing, and under no circumstances should the granting of this application be considered as a permanent or irrevocable right conferred upon the city or the property owners in this vicinity.

It is estimated that the highway traffic over the proposed crossing will not exceed fifty vehicles per day and under present conditions no special protection other than the usual crossing sign and advance warning signs appear to be necessary.

O R D E R

The City of Santa Ana having applied to the Commission for permission to construct Myrtle Street at grade across the tracks of Pacific Electric Railway Company in the City of Santa Ana, County of Orange, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted the City of Santa Ana to construct Myrtle Street at grade across the tracks of Pacific Electric Railway Company

in the location shown by the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by Pacific Electric Railway Company.

(2) The crossing shall be constructed of a width not less than thirty feet (30') and at an angle of ninety (90) degrees to the railroad and with grade of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(4) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) 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.

This order shall become effective ten (10) days after the making thereof.

Dated at San Francisco, California, this 7th day of ^{March} ~~February~~, 1923.

C. Deane

H. B. ...

J. T. Whittney
Commissioners.