

Decision No. 11893

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application )  
of the City of Brea for certificate )  
of convenience to cross right of way )  
and tracks of the Pacific Electric ) Application No. 8429.  
Railway Company, a corporation, at )  
North Orange Avenue, City of Brea. )

Albert Launer, for applicant.

C. W. Cornell, for Pacific Electric Railway  
Company.

BY THE COMMISSION:

### O P I N I O N

This is an application by the City of Brea for permission to construct North Orange Avenue at grade across the tracks of Pacific Electric Railway Company.

A public hearing was held on this application in the City of Brea before Examiner Williams, March 2, 1923.

At the present time there is only one street constructed across the tracks of Pacific Electric Railway Company within the City of Brea, namely, North Pomona Avenue, which is the principal business street of the community. This is a northerly and southerly street which in addition to being the principal business street is the route of through traffic between Fullerton and La Habra and as a result North Pomona Avenue

carries a very heavy traffic.

The City of Brea is a rapidly developing industrial community located adjacent to active oil fields and the industrial development is creating a traffic congestion which unquestionably must be given relief sooner or later. A traffic count taken by the City of Brea on Tuesday, March 6, 1923, between the hours of 7:00 a.m. and 6:00 p.m., shows the following movement over the North Pomona crossing.

Automobiles	2265
Motor trucks, including stages	<u>394</u>
Total Motor vehicles	2659

It was the opinion of witness for the applicant that if an additional artery were provided, particularly at Orange Avenue, that about twenty-five per cent of the traffic would be diverted from North Pomona to North Orange Avenue.

The nearest public crossings are now located approximately one-quarter mile west and two and one-half miles east respectfully, of North Pomona Avenue and it is the contention of the applicant that an additional route should be available especially for those occasions when Pomona Avenue maybe temporarily closed. There is but little question but what this community is entitled to additional access across the tracks of the Pacific Electric and the principal issue to be determined in this proceeding is whether or not North Orange Avenue is the proper location for this additional road and if so, the manner in which it should be constructed.

North Orange Avenue parallels North Pomona Avenue and is located approximately three hundred feet easterly therefrom. The tracks, however, at the point of proposed crossing are in a cut about eight feet deep which completely obstructs

the view of approaching trains and it would be impracticable to construct a grade crossing at this location that did not offer an unusual hazard to the travelling public. The height of the cut, however, when considered with the adjacent topography is not sufficient to make the construction of overgrade crossing practicable. The location at North Orange Avenue is objectionable for the further reason that to construct a grade crossing at this point it would be necessary to move a substation of the railroad in addition to rearranging a spur track and various poles. It was estimated by the City Engineer that the work of constructing a grade crossing up to the right of way of the Pacific Electric would amount to approximately \$3000 and an engineer of the Pacific Electric estimated that the cost of making the necessary changes within the limits of the right of way to provide for the crossing would cost \$7645. Although the figure given by the City Engineer seems somewhat low and the figure given by the Pacific Electric seems quite high, there is no question but that the construction of a grade crossing would be very expensive and after having been accomplished, a very hazardous condition will have been created for the public.

The evidence shows that there is a location approximately six hundred feet westerly of North Pomona Avenue, at Madrona Avenue, where the topographical conditions are quite favorable for the construction of an overgrade crossing and in view of this fact, we are convinced that it is at this location that the City of Brea should seek the desired relief of having an additional traffic artery across the railroad.

Under these circumstances there seems to be no question but

one course to take in this application consistent to the public interest, namely, to deny this application.

O R D E R

The City of Brea having made application for permission to construct North Orange Avenue across the tracks of Pacific Electric, a public hearing having been held, the Commission being apprised of the facts, and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 4<sup>th</sup> day <sup>April</sup> of ~~March~~, 1923.

C. Leavy  
H. B. Indigo  
James Martin  
Eugene Shore  
J. T. Whittney  
Commissioners.