

Decision No. 12724

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the matter of the application of )  
the People of the State of California )  
on the relation of the Department of )  
Public Works for an order authorizing ) Application No. 9282  
the construction of a State Highway )  
grade crossing over the tracks of the )  
Pacific Electric Railway Company, a )  
corporation, near Fifth Street, Seal )  
Beach, in Orange County. )

W.W. Patch, Division Engineer, California State  
Highway Commission, for applicant.  
Frank Karr, for Pacific Electric Railway Company  
not a protestant.  
E. B. Lefferts, for Automobile Club of Southern  
California.

BY THE COMMISSION:

O P I N I O N

Applicant herein asks for an order authorizing the construction of a crossing at grade of a State Highway and the Pacific Electric Railway Company, near Fifth Street, in the City of Seal Beach.

A public hearing was held in Los Angeles, August 24, 1923 before Examiner Williams.

The present route of the State Highway is on Main Street in the City of Seal Beach crossing the Pacific Electric on this street but this route is along city streets, not under applicant's control. Applicant is engaged in constructing the so-called Coast Highway from Long Beach to Newport Beach along a route different from that previously used. The new route passes to the north of

the built up portion of Seal Beach and crosses the double track line of the Pacific Electric Railway leading from Long Beach to Balboa. The larger portion of the traffic on the present State Highway route in Seal Beach will undoubtedly be diverted to the new highway which is a more direct and, because of fewer sharp curves, a faster route. The land is generally level and low in the vicinity of the crossing and the grade of the highway at the point of crossing is approximately at elevation 8.5, high tide is at elevation 5.5, and the lowest point on the State Highway in the vicinity is at elevation 7.5. Under these conditions it appears that the construction of a subway to carry the State Highway under the tracks of the Pacific Electric is not practicable. It was shown that the cost of grade separation to carry the State Highway over the railway would cost approximately \$100,000.

Since the present route is not now used it is not possible to present a traffic census, but applicant submitted a traffic count taken at a point one and one-half miles west of the proposed crossing, measured along the highway route, which shows a week day total of 2463 vehicles between the hours of 7:00 a.m. and 7:00 p.m. It was estimated that about one-half of this number was destined to Seal Beach and would not, therefore, necessarily use the proposed crossing. Applicant further estimated that in about ten years travel to be expected would be from eight to ten thousand vehicles. The evidence indicates that the view is at present clear in all directions except one and at that one the view of approaching trains is not seriously impaired. The train movements according to data presented by the Pacific Electric Railway subsequent to the hearing, as arranged for at the hearing, during the week ending July 7, 1923, averaged fifteen passenger trains, 1.4 freight trains and two miscellaneous trains per day.

The Automobile Club of Southern California protested

against the granting of the application for a grade crossing urging that the crossing of such an important highway should not be made at grade.

While as a general proposition crossings at grade of such important highways are not looked upon with favor it appears that in this case the application should be granted. The Commission must keep in mind the demands made for grade separation at other points on the Pacific Electric Railway where the traffic, both vehicular and railway, is much heavier than at this crossing and consequently there is undoubtedly more hazard and more inconvenience and the conclusion cannot be reached that an expenditure at present of \$100,000 at this location is justified. Furthermore, there seems to be no advantage in cost of grade separation at this time as the topographical conditions indicate the cost to be not appreciably less in the future. Under this circumstance the matter of eliminating the crossing can again be brought up when traffic conditions warrant. It does appear, however, that an automatic flagman should be installed for the protection of this crossing.

The highway is now paved right up to the crossing. The evidence shows that there has been a dirt roadway crossing at the site of the present crossing for about fifteen years, this crossing actually being located just south of the proposed crossing. This dirt roadway crossing should be abolished so that there will only be one point of crossing in the immediate vicinity.

Applicant, County of Orange and Pacific Electric Railway Company have reached an agreement under the terms of which the County of Orange has agreed to pay \$1,605.00 for the cost of relocating the so-called Boet Spur of the Pacific Electric, the Pacific Electric has agreed to pay \$430.00 toward the cost of an automatic flagman and applicant has agreed to pay the balance of the cost of the crossing. It seems proper that the cost of installing the crossing should be

borne in accordance with the agreement entered into between these parties. However, since the County of Orange did not appear the order should run against the applicant and the Pacific Electric Railway, leaving to the applicant the matter of settlement with the County of Orange.

### O R D E R

People of the State of California on relation of the Department of Public Works having made application to the Commission for permission to construct a crossing at grade of the State Highway across the tracks of Pacific Electric Railway Company, a corporation, near Fifth Street, in the City of Seal Beach, 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 People of the State of California, on relation of the Department of Public Works, to construct a State Highway at grade across the tracks of Pacific Electric Railway Company, near Fifth Street, in the City of Seal Beach, County of Orange, State of California, as shown on the map, Exhibit "A", attached to the application herein, subject to the following conditions:

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

(2) An automatic flagman shall be installed for the protection of said crossing at the sole expense, except \$430.00

of applicant, said automatic flagman shall be of a type and installed in accordance with plans or data approved by the Commission. Pacific Electric Railway Company shall pay \$430.00 of the cost of installing said automatic flagman and shall maintain said automatic flagman.

(3) Said crossing shall be constructed of a width not less than twenty-four (24) feet and with grades of approach not greater than two (2) 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.

(4) The existing public crossing located immediately south of the crossing herein authorized shall be legally abandoned and effectively closed to public use and travel.

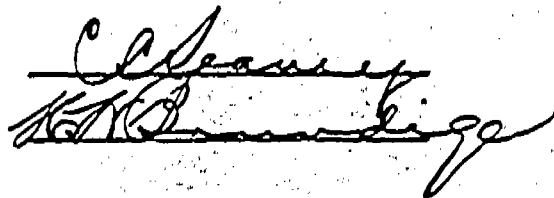
(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

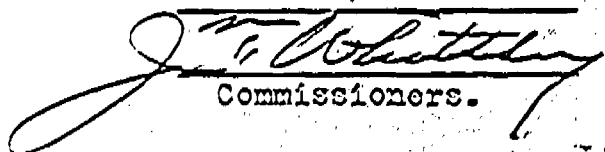
(6) The authorization herein granted for the installation of said crossing will lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(7) 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 seven (7) days after the making thereof.

Dated at San Francisco, California, this 19<sup>th</sup> day of October, 1923.

  
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Commissioners.