

ORIGINAL

Decision No. 13410

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

-oOo-

In the matter of the application of the )  
County of Orange for an order authoriz- )  
ing a relocation of a grade crossing ) Application No. 9479  
across the Southern Pacific right of way )  
at Fairview Avenue, Costa Mesa, California.)

In the matter of the application of the )  
County of Orange, for an order authoriz- )  
ing a relocation of a grade crossing ) Application No. 9576  
across the Southern Pacific right of way )  
at the junction of Victoria Street, Santa )  
Ana Road and Newport Avenue, Costa Mesa, )  
Orange County.)

Alex P. Nelson for Applicant.

F. W. Mielke, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

The Board of Supervisors of Orange County, in Application No. 9479 requests permission to relocate a grade crossing across the track of Southern Pacific Company at the junction of Fairview Avenue and Newport Road, Costa Mesa, and in Application No. 9576 requests permission to relocate a grade crossing across the track of the Southern Pacific at the junction of Victoria Street, Santa Ana Road and Newport Avenue, Costa Mesa.

A public hearing was held on these matters before Examiner Williams in Santa Ana on February 19, 1924.

Southern Pacific Company's track extends southerly several miles from Santa Ana to Dyer where it turns southwest and runs in a straight line to Costa Mesa. It then runs in a general

southwesterly direction to Newport Beach. Over this track the railroad operates regularly one mixed train per day except Sunday when no regular train operates. The crossings concerned in both applications are over this line of railroad. Conditions at each of the crossings will be considered separately.

Application No. 9479.

Newport Road, a paved highway, is adjacent to and southeast of the railroad from Dyer to Costa Mesa. Fairview Avenue runs north from the railroad station at Costa Mesa and connects with roads leading to the west and north. The existing crossing is located about one hundred and fifty feet northeast from the intersection of the center line of Fairview Avenue extended with the railroad and vehicles going to Newport Road from Fairview Avenue must make two sharp turns to get across the track. Formerly, before the property in the gore between the railroad and Fairview Avenue was improved, vehicles crossed private property to avoid these turns. It is proposed to relocate the crossing to the lines of Fairview Avenue extended across the tracks.

There was no objection on the part of the railroad to the relocation of this crossing providing the applicant bears the entire cost of the change.

The existing crossing is in a very poor state of repair and if not relocated should be rebuilt. From three to four hundred vehicles cross over the tracks on week days and from fifteen hundred to two thousand cross on Sundays and holidays. It is estimated that when Fairview Avenue has been paved that the traffic over the crossing will exceed three thousand per day. In view of this substantial volume of traffic the crossing in its new location should be of permanent construction.

It appears that Application No. 9479 should be granted

and that it is equitable that under the conditions the cost of relocating this crossing should be equally divided between the applicant and the railroad.

Application No. 9576.

Victoria Street, an east and west road, and Santa Ana Road running north and south, intersect immediately northwest of the railroad right of way about one mile northeast from the Fairview crossing. The existing crossing is situated about two hundred feet southwest from the intersection of these two roads and it is proposed to move the crossing from its present location to a location opposite the intersection.

The proposed location is far superior to the present location, due to the fact that two acute turns in the road approaching the railroad will be eliminated and that Victoria Street and Santa Ana Road will have a direct connection with Newport Avenue. The view of the track is clear in all directions and no special protection other than the usual crossing signs would appear to be necessary at this time.

The existing crossing is in a sufficiently good state of repair to take care of the traffic and that in its relocated position a high standard of construction is not necessary, but that a pavement of oil and gravel or oiled macadam would amply take care of the traffic. It seems equitable that the applicant bear the entire expense of constructing this crossing in its relocated position.

O R D E R

The Board of Supervisors of the County of Orange having made application for permission to construct a public highway at grade across the track of Southern Pacific Company at the junction

of Fairview Avenue at Newport Avenue, Costa Mesa, (Application No. 9479) and having made application for permission to construct a public highway at grade across the track of Southern Pacific Company at the junction of Victoria Street, Santa Ana Road and Newport Avenue (Application No. 9576), 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 Board of Supervisors of the County of Orange, State of California, to relocate a public highway at grade across the track of Southern Pacific Company at the junction of Fairview Avenue and Newport Avenue, Costa Mesa, all of which, as shown by map attached to the application (Application No. 9479); said crossing to be constructed subject to the following conditions, viz:-

(1) The entire expense of relocating the crossing shall be borne fifty per cent by the applicant and fifty per cent by Southern Pacific Company.

(2) 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 Southern Pacific Company.

(3) The crossing as relocated shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) 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 crossing between lines two (2) feet outside

of the outside rails shall be paved with plank construction or other approved type of high standard construction.

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

(6) If said relocated crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted the Board of Supervisors of the County of Orange, State of California, to relocate a public highway at grade across the track of Southern Pacific Company at the junction of Victoria Street, Santa Ana Road and Newport Avenue, Costa Mesa, as shown by the map attached to the application (Application No. 9576) said relocated crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of relocating the crossing 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 rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be protected by suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The crossing between lines two (2) feet outside of the outside rails shall be paved with oil macadam or with

other approved material in a manner consistent with the surface of the adjacent road.

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

(5) If said crossing shall not have been installed within one year from the date of this Order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED, that the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection 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 15<sup>th</sup> day of April, 1924.

C. Seaver  
H. B. Bondage  
Dwight Martin  
Gerben Shore

J. G. Whittington  
Commissioners.