

Decision No. 14073.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the Application  
of the Board of Supervisors of  
the County of Los Angeles, State  
of California, for permission to  
install a grade crossing over  
the tracks of the Southern Pacific  
Railroad at Market Street, Newhall.

ORIGINAL

Application No. 9896.

E. R. Purdum, for Applicant.  
F. W. Mielke, for Southern Pacific Company.  
J. R. Berryman, for Los Angeles County Grade  
Crossing Committee.

BY THE COMMISSION:

O P I N I O N

In this application the Board of Supervisors of the County of Los Angeles request permission to construct Market Street at grade across Southern Pacific Company's tracks in the town of Newhall, Los Angeles County, California.

A public hearing was held in this application before Examiner Williams at Los Angeles, August 7th, 1924.

Newhall is an unincorporated town, situated on the State Highway, between Los Angeles and Bakersfield, and also on Southern Pacific Company's main line between Los Angeles and Saugus, being thirty-one (31) miles northwest of Los Angeles on the railroad. Southern Pacific Company's tracks pass through Newhall in a northwesterly and southeasterly direction, dividing the town in such a way that practically all the development of the town is on the west side of the track, including the post office, churches, schools, town hall, and all the business establishments, the de-

velopment on the east side of the track consisting of dwellings and ranch buildings. The population of Newhall is estimated at one thousand (1,000), of which some twelve (12) families reside east of the railroad.

Market Street is the main easterly and westerly street of the town of Newhall, extending from Chestnut Street to Arch Street. In this distance it passes through the main business center of the town and is the only <sup>town</sup> street that crosses the Southern Pacific tracks. Although the Market Street crossing has existed for over forty (40) years, the County records fail to show that the County has ever obtained an easement from the railroad, permitting this to be used as a public crossing. Market Street crosses at grade over three (3) tracks of Southern Pacific Company, viz: their main line, a passing track and a house track.

The nearest public crossing over the railroad to the southeast of Market Street is the State Highway crossing, located between Second and Third Streets of Newhall, a distance of some 1,630 feet, while the nearest public grade crossing to the northwest of Market Street is located some 2,450 feet distant. The evidence shows that practically all of the people residing east of the track use the Market Street crossing in doing their daily trading at Newhall. Without this crossing, it would be necessary for those people to travel south to the State Highway crossing and then return on the State Highway to Newhall. This would require travelling out of their way in some instances about one-half of a mile.

Southern Pacific Company appeared to oppose the granting of this application, contending that it would seriously interfere with the operation of their trains in that it would require cutting all trains that blocked the crossing for periods in excess of five (5) minutes, also that if this was made a public crossing, it would

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be a very hazardous one, as this is an important main line. There are twelve (12) regular passenger train movements and eight (8) regular freight train movements through Newhall per day, in addition to many extra trains. Many of the trains pass there at high rates of speed. It is very evident that a public crossing at Market Street, as applied for herein, will, to a certain extent, interfere with train operations, as does the existing crossing, but due consideration must be given the interests of the people of Newhall, who depend upon this crossing for an outlet across the railroad. For them to be required to discontinue the use of this crossing and travel on the State Highway for a portion of the distance in going to and from the business center of the town would not only be inconvenient but also somewhat hazardous, as it would involve crossing the railroad at a sharp angle on a heavily travelled highway. It is apparent that Market Street crossing, as applied for, is a hazardous one, due not only to the fact that the train movements are frequent and at high rates of speed, but also due to the fact that the view of the crossing is impaired by buildings and, at times, by cars standing on the siding adjacent to the crossing. This crossing should be protected by means of an automatic flagman.

It may be that the County of Los Angeles has all the rights for the maintenance of a crossing at Market Street that it seeks but, be that as it may, it appears that the public convenience and necessity justify the maintenance of a crossing at this point as the most feasible and practical outlet for the territory served and that, therefore, this application should be granted.

#### O R D E R

The Board of Supervisors of Los Angeles County having made application for permission to construct Market Street at grade across tracks of Southern Pacific Company, in the town of

Newhall, Los Angeles County, 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 Los Angeles County, State of California, to construct Market Street at grade across tracks of Southern Pacific Company in the town of Newhall, Los Angeles County, as shown on the map attached to the Application, said crossing to be constructed subject to the following conditions, viz:

(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 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.

(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 four (4) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by Southern Pacific Company.

(4) 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 three (3) days from the making thereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of September, 1924.

H. B. Dandige  
Dwight Martin

J. T. Whittlesey  
Commissioners.