

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of El Monte, a Municipal Corporation, for an Order authorizing the construction at grade of Central Avenue across the right of way and property of the Southern Pacific Company, a corporation, and to effect the extension of Central Avenue.

ORIGINAL

Application No. 10459.

W. F. Dunn, City Attorney, for Applicant.  
Frank Karr, for Southern Pacific Company.  
John R. Berryman, Jr., for Los Angeles  
County Grade Crossing Committee.

BY THE COMMISSION:

O P I N I O N

In the above entitled application, the City of El Monte seeks permission to construct Central Avenue at grade across a track of Southern Pacific Company in the City of El Monte, Los Angeles County, California.

A public hearing was held on this matter before Examiner Williams in Los Angeles on December 12, 1924.

Central Avenue runs in a northerly and southerly direction through the northeast portion of the City, extending from Main Street on the south to Bryant Road on the north, a distance of approximately six-tenths of a mile. The district tributary to this highway is rather sparsely settled at this time. Central Avenue has for many years been open to the general public as a highway over the Southern Pacific track at the location referred to in this application.

The evidence shows that this crossing originated over thirty years ago as a private farm crossing. As time went on and

the district to the north of the railroad developed, the gates at this private crossing were allowed to remain open for greater intervals of time, until a condition resulted wherein they were practically never closed. Witnesses testified that they had never seen these gates closed during the past ten years and no one testified that they had been closed during this period. A short time ago, however, the Railroad Company did construct a barricade across Central Avenue to prevent vehicular traffic from crossing the railroad. This barricade existed only a short time when the Railroad Company agreed to admit traffic across their tracks, provided the city would maintain a human flagman. Thereupon the crossing was again opened to the public and has since been protected by a human flagman.

Central Avenue is now open and traveled across Pacific Electric Railway Company's double track line at grade at a point 130 feet southerly from the crossing involved herein. The road at the point of this Pacific Electric crossing existed prior to the time the electric railway was built, in 1906. It appears, therefore, that the City of El Monte has a legal right to cross the Pacific Electric at this point.

There are at present only two crossings over Southern Pacific Company's tracks in the City of El Monte which are used by the general public, namely, one at Central Avenue, referred to in this application, and another located approximately 1400 feet to the northwest thereof at Tyler Street.

Tyler Street is an important paved highway which carries a large volume of vehicular traffic. It extends from the business center of El Monte to the northeast, toward Arcadia and Monrovia. The distance between the business center of El Monte and the greater portion of the district tributary to Central Avenue is

practically the same by way of the Tyler Street crossing as by the route over the Central Avenue crossing. The Tyler Street route involves crossing Southern Pacific Company's main line and three adjacent side tracks, while the Central Avenue route involves crossing Southern Pacific Company's main line and two crossings over Pacific Electric Railway Company's double track line. It appears, therefore, that the Tyler Street route is less hazardous. The testimony shows, however, that the Tyler Street crossing is frequently blocked by Southern Pacific trains for excessive periods of time, which applicant contends adds to the necessity of a second crossing over the railroad.

The crossing involved herein will serve as a material convenience to the Los Angeles Rock and Gravel Company, with bunkers immediately northeast of Southern Pacific Company's track and east of Central Avenue.

Traffic counts taken in the vicinity of this crossing show that most of the traffic consists of trucks hauling rock. If this application is not granted, most of these trucks would be forced to travel by a circuitous route over Tyler Street, which also crosses the railroad, and in moving via Tyler Street these trucks would seriously interfere with other traffic in this community.

There are at present about 400 truckloads of material being hauled daily from these bunkers, which pass over the Central Avenue crossing. This material is delivered to points both east and west of Central Avenue. For this traffic to use the Tyler Street crossing would involve it going out of its way somewhat; the extra distance depending upon the destination of the traffic.

The evidence shows that the width of the crossing involved herein, as used by the general public, has been about 15

feet. Applicant now desires to extend Central Avenue, which is a sixty foot street, southerly across Southern Pacific Company's 100 foot right-of-way, thus crossing the railroad's main track and an industrial spur track belonging to the Los Angeles Rock and Gravel Company.

The track involved herein is Southern Pacific Company's main line to Yuma, over which there are normally 12 passenger trains and 6 freight trains operated per day, in addition to extra trains. These trains travel at fairly high rates of speed in the vicinity of the proposed crossing. This is a case in which not only the local hazard due to the existence of the crossing itself, but also the general effect on the other traffic of this community, should be considered. Based upon these broader considerations, it appears that it is in the public interest to grant this application.

The view of the tracks at this location is obstructed north of the railroad by the Rock Company's bunkers east of Central Avenue, and to some extent by buildings and trees west of Central Avenue. Therefore this grade crossing, when constructed, would present a more than ordinary hazard and should be protected by an automatic flagman.

On December 30, 1924, the Commission issued its decision No. 14505, authorizing the construction of Columbia Street at grade across Southern Pacific Company's track at a point about 250 feet southeast of the crossing proposed herein. Columbia Street is planned to be an important highway artery for through traffic between Pomona and Los Angeles. It may be that at some future date public convenience and necessity will require that the grade be separated at the said Columbia Street crossing by constructing the highway under the railroad. If and when such grade separation is effected, public safety would not reasonably permit of the continuance of an inter-

section of Columbia Street and Central Avenue, due to the resultant heavy grades on Central Avenue and to the impaired view; therefore an alternative route would be required for Central Avenue north of Pacific Electric Railway Company's tracks, or the crossing proposed herein should at that time be abolished.

### O R D E R

The City of El Monte having applied to this Commission for authority to construct Central Avenue at grade across a certain track of Southern Pacific Company at the location shown on Exhibit "A" attached to the application, a public hearing having been held, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the Board of Trustees of the City of El Monte, County of Los Angeles, State of California, to construct Central Avenue at grade across Southern Pacific Company's track as shown on Exhibit "A" 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 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. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of about seventy-five (75) degrees to the railroad, and with grades 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) 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) 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.

(6) 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of February, 1925.

H. B. Brundage  
C. C. Leary  
Egerton Sherwin  
Commissioners.