

Decision No. 14637

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
City of Compton for a permit to)
cross the tracks of the Southern)
Pacific Railroad Company between the)
lines of Palmer Avenue (sometimes)
known as Terebinth Street) extended)
across the tracks of the said)
Southern Pacific Railroad Company in)
the City of Compton.)

ORIGINAL

Application No. 9845.

- A. C. Cooney, City Attorney and Fredericks & Hanna
and Charles W. Lyon by W. E. Marshall for applicant.
F. W. Mielke, D. M. Crossman and W. L. Raven for
Southern Pacific Company.
F. P. Cole for Greater Harbor Committee of 200.

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION

Further hearing on this proceeding was held at Compton on Wednesday, February 18, 1925, before Examiner Williams, under order of the Commission, reopening the matter in consideration of a petition of the City of Compton requesting that the Commission modify and revoke its Order and Decision No. 13630 dated May 31, 1924, in so far as it pertains to Condition No. 1 of said decision, which condition required that "Said crossing shall not be installed until Palmer Avenue is paved from the Southern Pacific Right of Way to Long Beach Boulevard for full width between curbs", and in further consideration of any and all other matters pertinent to and connected with the subject matter of said Application 9845. By stipulation, testimony of former hearing was included with that taken at the second hearing.

Applicant testified that the Commission's Decision No. 13630 had been practically carried out, Palmer Avenue having

been paved for full width between curbs at an expense of \$60,000. from the Southern Pacific right of way to a point approximately one hundred and fifty feet from the west line of Long Beach Boulevard. At the time of previous hearing, this 150 ft. of property was not subdivided, although applicant was under the impression that it had been plotted, and it was at that time outside the City limits of Compton. Since the former hearing the City of Compton has extended its city limits to include the unplotted area and Long Beach Boulevard and it expects to be able to make the necessary extension of Palmer Avenue in the future.

The testimony of applicant shows that the Palmer Avenue crossing, although a convenience, is not a necessity for local travel, as the north and south streets between Main Street and Orange Street, which cross Palmer Avenue, afford easy access from Palmer Avenue to the north and south. Testimony introduced at the former hearing showed that the Palmer Avenue Crossing was required for through travel between Alameda Street and Long Beach Boulevard in order to relieve congestion on Main Street.

Southern Pacific Company stated that it did not object to the revoking of Condition No. 1 if the crossing was to be constructed, but took the stand, that as very little traffic would probably be diverted, in its estimation, to Palmer Avenue in any event, that the entire order of the Commission should be revoked as the company did not consider the crossing a necessity. Mr. Cole, representing the Greater Harbor Committee of 200, testified that the Committee of 200 considered that the Southern Pacific line would become the main freight track to the harbor and that in conjunction with the Regional Planning Commission, a system of main highways had been mapped out with major highways crossing this railroad at one mile intervals with subordinate highways crossing at half mile intervals, half way between them. Orange and Olive

Streets are two such main highways with Main Street, a subordinate highway. The Committee, therefore, could not recommend the opening of Palmer Avenue on account of its proximity to Main Street.

However, it appears to the Commission, that the applicant in this proceeding has proceeded in good faith in the improvement of Palmer Avenue and the extension of its city limits, and therefore the original order of the Commission granting the application, should stand and the time limit thereof should be extended for one year. The testimony shows that this crossing should not be opened for the convenience of a small amount of local traffic and it is the opinion of the Commission that the original order should remain in full force and effect as first issued and it will be so ordered.

FIRST SUPPLEMENTAL ORDER

City of Compton having petitioned this Commission on January 8, 1925, to modify and revoke its Order and Decision No. 13630 in the above entitled matter, dated May 31, 1924, in so far as it pertains to Condition No. 1 of said decision, which condition requires that "Said crossing shall not be installed until Palmer Avenue is paved from the Southern Pacific right of way to Long Beach Boulevard for full width between curbs", a public hearing having been held, the Commission being apprized of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the petition of the City of Compton to this Commission, looking to the modification and revocation of Condition No. 1 of this Commission's Decision No. 13630 dated May 31, 1924, in the above entitled matter, be and the same is hereby denied without prejudice; and that the Commission's Decision No. 13630 dated May 31, 1924, shall remain in full force and effect in its entirety except that the limit of time as set for

the compliance with said Decision No. 13630 be and it is hereby extended to May 31, 1926.

This Order shall become effective twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 5th day of March, 1925.

H. B. Burdige

George D. Squires

Ernest C. C. C.

Commissioners.