

Decision No. 16299

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 Hoyt
Street across the right of way and
property of the Pacific Electric Rail-
way Company, a corporation, and to
effect the extension of Hoyt Street.

ORIGINAL

Application No. 12431.

Walter F. Dunn, City Attorney, for Applicant.

R. E. Wedekind, for Pacific Electric Railway
Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

A public hearing was held in the above entitled proceeding before Examiner Williams at El Monte on Monday, February 20th, 1926, at which time it was stipulated that the record in Application No. 11209 be considered in evidence in this proceeding insofar as relevant.

In Application No. 11209 the Commission was asked to make its order granting a public crossing over the Pacific Electric Railway Company's so-called "San Bernardino Line" at Hoyt Street, the same location at which a crossing is sought in the present application. In Decision No. 15460, rendered September 24, 1925, Application No. 11209 was denied without prejudice. It was recited in the opinion of this decision that the record did not justify the granting of a crossing at Hoyt Street, in view of the fact that there is a crossing over the railroad at Granada Street located a distance of 460 feet to the east thereof.

The Commission's opinion further stated that if but one public crossing was to be allowed at either Hoyt Street or Granada Street, in the interest of public convenience, it should be at Hoyt Street as it affords direct connection between important highway arteries on each side of the railroad.

Both the Pacific Electric Railway Company and the Los Angeles County Grade Crossing Committee appeared to oppose the granting of Application No. 11209.

The present application was filed on January 14th, 1926. At the hearing the Pacific Electric Railway Company appeared as an interested party but did not oppose the granting of this application. The Los Angeles County Grade Crossing Committee did not enter an appearance. For the physical conditions surrounding the proposed crossing at Hoyt Street, reference is made to Commission's Decision No. 15460, referred to above, as these conditions have changed but little subsequent to that time.

The records show that subsequent to the rendition of the Commission's Decision No. 15460, the City Officials have seriously considered the proposition of coming before the Commission with an application for a public crossing at Hoyt Street contingent upon the closing of the crossing of Granada Avenue, but after investigation found that the closing of this crossing would work a hardship on some of the people residing on Granada Avenue adjacent to the railroad and would also seriously interfere with the convenience of the vehicular traffic to and from certain industries in that vicinity.

The Pacific Electric Railway Company's Exhibit No. 1 shows the estimated cost of the proposed crossing to be \$3,040., which includes the cost of an automatic flagman. As set forth in the opinion of the Commission's Decision No. 15460, referred to above, the view at the proposed crossing is impaired by trees. The record in the present proceedings shows that applicant will have the necessary trees removed so as to provide a reasonable view at the crossing if the Commission authorizes its

construction. The trains normally travel at reduced speeds in the vicinity of Hoyt Street, due to single track construction over the bridge of the Rio Honda (Lexington Wash) immediately west of Hoyt Street.

From the record now before the Commission, it appears that this application should be granted provided the hazard at this crossing is reduced by removing trees which interfere with the view; by maintaining an automatic flagman; and by requiring the trains to travel at reduced speeds over the crossing. The following order contains these provisions.

O R D E R

The City of El Monte, having filed the above entitled application with the Railroad Commission for permission to construct Hoyt Street at grade across Pacific Electric Railway Company's tracks in said City, a public hearing having been held, the Commission being apprised of the facts, 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 City of El Monte, County of Los Angeles, State of California, to construct Hoyt Street at grade across the tracks of the Pacific Electric Railway Company as shown on the map attached to the application and marked Exhibits "A" and "B", 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 maintenance of said crossing 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 the Pacific Electric Railway 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 Pacific Electric Railway 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 five (5) per cent; shall be constructed substantially in accordance with Standard No. 4 as specified in General Order No. 72 of this Commission, 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 Pacific Electric Railway Company.

(4) Before said crossing is open to the public, applicant shall remove, or cause to be removed, for a distance of not less than two hundred (200) feet in each direction from the main line tracks, all branches of trees which overhang onto Hoyt Street, and shall thereafter keep the trees so trimmed as to maintain at all times a clear view of the tracks and the automatic flagman installed for the protection of said crossing within this distance.

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

(6) 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 Pacific Electric Railway Company shall not operate any train, engine, motor or car over said

crossing at a rate of speed in excess of fifteen (15) miles per hour.

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 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.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 25th day of
March, 1926.

H. V. Burdige
C. Seaver
G. W. Burdige

Commissioners.