

**ORIGINAL**Decision No. 18878 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
the County of Orange for an order  
authorizing the construction and  
maintenance of two crossings over the  
Southern Pacific Railroad Company's  
tracks and right-of-way in the vicinity  
of Costa Mesa, County of Orange, State  
of California.

Application No. 13,714.

Z. B. West, Jr., for applicant;  
H. W. Hobbs, for Southern Pacific  
Company, protestant.

BY THE COMMISSION:

O P I N I O N

Applicant herein requests an order of this Commission authorizing the construction and maintenance of two crossings over the tracks and right-of-way of the Southern Pacific Company in the vicinity of Costa Mesa, Orange County, California.

A public hearing was held before Examiner Vaughan at Santa Ana, August 26, 1927, and the matter was duly submitted and is now ready for decision.

The Santa Ana branch of the Southern Pacific Company is a single track line and, in this vicinity, occupies a private right-of-way in and along Newport Avenue, which lies generally northeast and southwest. Railroad traffic, under normal conditions, consists of only one freight movement per day at moderate speed. The southeast roadway of Newport

Avenue is paved eighteen feet wide with concrete and carries through traffic between Santa Ana and Newport Beach; the northwest roadway in the vicinity of Bay Street has an oiled dirt surface about twelve (12) feet in width and in poor repair at present, while this same roadway southwesterly from Fairview Avenue has a concrete pavement fifty-six (56) feet in width, extending to a point just northeasterly of Eighteenth Street and a macadam surface beyond said point.

Applicant desires crossings at Bay Street and Eighteenth Street, both of which approach the track from the northwest and, at present, intersect the northwest roadway of Newport Avenue, but not the southeast roadway on account of the right-of-way along the street. The record shows that the existing crossings are so few in this growing community, and so widely spaced, that vehicles must use unreasonably indirect routes. It appears that traffic on the proposed Bay Street crossing would be rather light, while that on the proposed Eighteenth Street crossing would be heavier, due to proximity of stores and to probable use by some through traffic. With the exception of certain trees at Bay Street, the hazardous elements appear rather unimportant. Any hazard due to angle at Eighteenth Street can be reduced by a right angle crossing. Although the application proposes wider crossings, the record fails to show need for more than thirty feet and fifty feet width at Bay Street and Eighteenth Street, respectively.

The railroad introduced some testimony to show that the public convenience and necessity for this crossing was not great, and that the hazard at the proposed Bay Street crossing would be increased to an impaired view created by trees. From the evidence it appears that public convenience and necessity outweighs the hazard which would be created by opening the proposed crossings, and that the application should be granted, and that the entire cost of constructing the crossings should be borne by applicant.

An order will be entered accordingly.

O R D E R

The County of Orange, State of California, having made application to this Commission for an order authorizing the construction and maintenance of two crossings over the Southern Pacific Company's tracks and right-of-way in the vicinity of Costa Mesa, public hearing having been held on this application, the matter having been duly submitted and being now ready for decision,

IT IS HEREBY ORDERED that permission and authority be and they are hereby granted to the Board of Supervisors of the County of Orange, State of California, to construct Bay Street and Eighteenth Street at grade across the track of the Southern Pacific Company at the respective locations shown on the map attached to the application.

The crossing at Bay Street shall be identified as Crossing No. BK-525.1; that at Eighteenth Street as Crossing No. BK-525.8.

Said crossings shall be constructed subject to the following conditions, namely:

(1) The entire cost of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings 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 crossings shall be assessed by applicant in any manner whatsoever to the operative

property of Southern Pacific Company.

(2) Crossing No. BK-525.1 (Bay Street) shall be constructed thirty (30) feet wide 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 constructed equal or superior to type shown as Standard No. 2 in General Order No. 72 of this Commission; shall be protected by a Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission, and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Before Crossing No. BK-525.1 shall be constructed, applicant shall cause the removal of the hedge trees located along the northeasterly line of Bay Street throughout a distance of seventy-five feet measured from the intersection of said street with the northwesterly roadway of Newport Avenue; also prior to said construction applicant shall cause the removal of trees bordering the Southern Pacific Company's right-of-way throughout that portion of same beginning at two hundred feet northeasterly from proposed Bay Street crossing and ending two hundred feet southwesterly from said crossing.

(4) Crossing No. BK-525.8 (Eighteenth Street) shall be constructed fifty (50) feet wide, at an angle of ninety (90) degrees to the railroad, and with grades of approach not greater than two (2) per cent; shall be constructed equal or superior to the type shown as Standard No. 3 in General Order No. 72 of this Commission; shall be protected by Standard No. 1 crossing sign, as specified in General Order No. 75 of this Commission and shall in every way be made safe for the passage thereon of vehicles and

other road traffic.

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

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

(7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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 4<sup>th</sup>  
day of ~~September~~ <sup>October</sup>, 1927.

Ernesto  
Cherry  
Leon C. Hall  
Thos. S. Lewis  
M. J. Lewis  
Commissioners.