

ORIGINAL

Decision No. 18923

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the CITY OF SANTA ANA, a munic-  
ipal corporation, for an order to  
install crossings of public streets  
across the Pacific Electric Rail-  
way at Harwood Place, Bishop Street  
and Grant Street in said city of  
Santa Ana.

APPLICATION NO. 13522.

C. D. Swanner, for Applicant.

C. W. Cornell, for Pacific Electric  
Railway Company.

WEITSELL, COMMISSIONER:

O P I N I O N

In the above entitled application the City of Santa Ana seeks authority to install three crossings at grade over the Huntington Beach - Santa Ana branch of the Pacific Electric Railway at Bishop Street, Grant Street and Harwood Place, respectively, in said city.

A public hearing was held at Santa Ana on August 20, 1927, at which time evidence was presented and the matter submitted.

The railroad involved is Pacific Electric Railway Company's line operating between Santa Ana and Huntington Beach. In the vicinity of the proposed crossings this is a single track line, running in a northerly and southerly direction and located within a 40-foot private right-of-way. At the present time the only service operated over this track consists of

freight movements during the season when beets are harvested. Normally this traffic amounts to two round trips per day.

The streets involved run in an easterly and westerly direction at right angles to the railroad, and are located in a fairly new and growing residential section. Bishop Street extends from Halliday Street on the east to Shelton Street on the west, a distance of about one and one-quarter miles, crossing the railroad at a point approximately 1500 feet from Halliday Street. Bishop Street in the vicinity of the proposed crossing is improved with asphalt pavement to a width of 40 feet. This highway appears to carry only a comparatively small volume of local vehicular traffic. Both Grant Street and Harwood Place extend for a distance of one block in either direction from the railroad. Grant Street to the west of the track is improved with asphalt pavement, while to the east it is improved with oil macadam. Harwood Place is improved with asphalt pavement on each side of the track. It appears that the traffic which would make use of the proposed crossing at each of these streets would be comparatively light, consisting chiefly of traffic to and from the houses located between the track and Oak Street, one block to the east.

The record shows that vehicles have crossed the track over unimproved crossings at each of the locations involved in this proceeding, and that such crossings have existed for some four years without the consent of this Commission or of the Railway Company; in fact, the record shows that the railroad has from time to time constructed barricades across the track at both the Grant Street and the Bishop Street crossings, but that these barricades have been removed,

apparently by drivers of vehicles desiring to cross the railroad at these points.

Pacific Electric Railway Company takes the position that while it does not concede that there is a public necessity for any of the proposed crossings, it is not opposed to the granting of this application; also, that in its opinion, if the application is granted, oil macadam crossings would be appropriate, but that no portion of the cost of constructing any of the crossings should be assessed against the Company. Applicant, however, contends that the crossings should be paved to conform with the adjacent highways.

After careful consideration of the evidence adduced in this proceeding, it appears that the public necessity shown for the proposed crossings is not great, especially at Grant Street and Harwood Place. The record also shows, however, that this is an unimportant railroad, due to the fact that only a few train movements per day during a portion of the year are operated over it. The view at each of the proposed crossings is fairly good and it would seem that the public hazard incident to their construction and use would be comparatively small. It is my opinion, therefore, that this application should be granted, and that the cost of constructing the crossings should be assessed to applicant.

#### O R D E R

The City of Santa Ana having made application to this Commission for authority to install crossings at Bishop Street,

Grant Street and Harwood Place, at grade across the track of the Pacific Electric Railway Company's Huntington Beach-Santa Ana line, a public hearing having been held on this application, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and they are hereby granted to the Board of Trustees of the City of Santa Ana, County of Orange, California, to construct Bishop Street, Grant Street and Harwood Place at grade across the track of the Pacific Electric Railway Company at the locations hereinafter particularly described, and as shown by maps attached to the application.

Situated in the City of Santa Ana, County of Orange, State of California, and particularly described as follows, to-wit:

Beginning at the southwest corner of Lot 1, Tract No. 430 as per map thereof on file in Miscellaneous Maps, Book 17, Page 51, Records of Orange County, California; thence south along the easterly line of the Pacific Electric Railway Company's right-of-way 50 feet to the northwest corner of Lot 7 of said tract No. 430; thence westerly along the westerly extension of the south line of Harwood Place 40 feet to the westerly line of the said Pacific Electric Railway Company's right-of-way; thence north along the said westerly line of the Pacific Electric Railway Company's right-of-way 50 feet to an intersection with the westerly extended north line of Harwood Place; thence easterly along the said westerly extended north line of Harwood Place to the point of beginning.

Situated in the City of Santa Ana, County of Orange, State of California, and particularly described as follows, to-wit:

Beginning at the southwest corner of Lot 11, Tract No. 608, as per map thereof on file in Miscellaneous Maps, Book 19, Page 38, Records of Orange County, California; thence southerly along the easterly line of the Pacific Electric Railway Company's right-of-way 60 feet to the northwest

corner of Lot 1, Tract 532 as per map thereof on file in Miscellaneous Maps, Book 18, Page 5, Records of Orange County, California; thence westerly along the westerly extended south line of Bishop Street 40 feet to the westerly line of the Pacific Electric Railway Company's right-of-way; thence north along the said westerly line of the Pacific Electric Railway Company's right-of-way 60 feet to an intersection with the westerly extended north line of Bishop Street; thence easterly along the said westerly extended north line of Bishop Street 40 feet to the point of beginning.

Situated in the City of Santa Ana, County of Orange, State of California, and particularly described as follows, to-wit:

Beginning at the southwest corner of Lot 13, Tract No. 532, as per map thereof on file in Miscellaneous Maps, Book 18, Page 5, Records of Orange County, California; thence southerly along the easterly line of the Pacific Electric Railway Company's right-of-way 50 feet to the northwest corner of Lot 14, of said Tract 532; thence westerly along the westerly extended south line of Grant Street 40 feet to the westerly line of the said Pacific Electric Railway Company's right-of-way; thence northerly along the said westerly line of the Pacific Electric Railway Company's right-of-way 50 feet to an intersection with the westerly extended north line of Grant Street; thence easterly along the said westerly extended north line of Grant Street 40 feet to the point of beginning.

The crossing at Bishop Street shall be identified as Crossing No. 6EB-45.08; that at Grant Street as Crossing No. 6EB-45.; and that at Harwood Place as Crossing No. 6EB-44.73.

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

(1) The entire expense of constructing the crossings shall be borne by applicant. Maintenance of those portions of said crossings outside of lines two feet outside of the rails shall be borne by applicant; maintenance of those portions of the crossings between lines two feet outside of the

rails shall be borne by Pacific Electric Railway 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 Pacific Electric Railway Company.

(2) All three crossings shall be constructed at angles of ninety (90) degrees to the railroad; of types equal or superior to Standard No. 3, as specified in General Order No. 72 of this Commission; shall all 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. Crossing No. 6EB-45.08 (Bishop Street) shall be constructed sixty (60) feet wide, with grades of approach not greater than four (4) per cent. Crossing No. 6EB-45. (Grant Street) shall be constructed fifty<sup>(50)</sup>/feet wide, with grades of approach not greater than four (4) per cent. Crossing No. 6EB-44.73 (Harwood Place) shall be constructed fifty (50) feet wide, with grades of approach not greater than two (2) per cent.

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

(4) If said crossings 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.

(5) 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.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 17<sup>th</sup> day of October 1927.

[Signature]  
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COMMISSIONERS.