

Decision No. 20544

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of CITY OF MONROVIA, a Municipal
corporation, for the construction
of a railroad crossing on Fifth
Avenue in said city over the tracks
of The Atchison, Topeka and Santa
Fe Railway Company.

Application No. 14810.

Wm. F. Palmer, City Attorney, for Applicant.

S. V. Schermerhorn and Emil Bolz, City
Councilmen of Arcadia, Proponents.

E. T. Lucey and W. W. Kelley, for The Atchison,
Topeka and Santa Fe Railway Company, Protest-
ants.

BY THE COMMISSION:

O P I N I O N

This is an application of the City of Monrovia for authority to construct a grade crossing on Fifth Avenue over the tracks of The Atchison, Topeka and Santa Fe Railway in said city.

A public hearing was conducted in this matter before Examiner Rowell at Monrovia on August 23, 1928, at which time the matter was duly submitted.

The railroad involved is the single track, high speed main line east of The Atchison, Topeka and Santa Fe Railway. Fourteen regular passenger trains and on an average of from

eight to nine freight trains are operated daily over the line in the vicinity of the crossing at high speed.

Fifth Avenue is a north and south street at the westerly boundary line of the City of Monrovia, and is contiguous to the easterly boundary line of the City of Arcadia. The Street is traveled but is not improved with a permanent type of pavement.

The next crossing to the west is at Second Avenue (Crossing No. 2-123.8), a distance of approximately fourteen hundred feet, and to the east at Mayflower Avenue (Crossing No. 2-122.9), a distance of approximately thirty-one hundred feet. Fifth Avenue terminates on the south at Duarte Road, which is a moderately traveled east and west thoroughfare approximately twenty-five hundred feet south of the proposed crossing. The first important east and west street north of the proposed crossing, which Fifth Avenue intersects, is Huntington Drive. The Santa Anita wash crosses the two highways at this intersection and crosses the railroad approximately fifteen hundred feet to the east of the proposed crossing. This wash serves as a barrier to street development in this territory and incidentally creates a problem of handling the highway intersection at Fifth Avenue and Huntington Drive.

The applicant relies, as justification for the granting of the proposed crossing, upon the local convenience which would accrue to the residents along Fifth Avenue between the tracks and Duarte Road, also that the proposed crossing might form a link in a bus route which had been considered to carry students to the new high school located north of Huntington Drive. However, the record shows that at that time there were no definite plans as to whether the territory would be served by a school bus or whether the students would be required to walk to school; also, that if a bus line were established, it was not shown that the proposed

crossing, if constructed, would result in any material convenience in the operation of such a line, as the existing crossings appear to afford reasonable access over the railroad in this vicinity.

The granting of the application was protested by The Atchison, Topeka and Santa Fe Railway Company, on the grounds that an additional grade crossing, as proposed, will create a hazard to the traveling public on the highway and also on the railroad, the latter by reason of derailment of trains as a result of grade crossing accidents; and, that the public necessity has not been shown to be sufficiently great to justify the increased hazard. In support of its contention, representatives of its management, operating and engineering departments appeared and testified at the hearing.

It appears that the benefits from the proposed crossing would be limited to the local residents along Fifth Avenue, as the testimony of applicant's witness, to the effect that if he were at the intersection of Fifth Avenue and Duarte Road and desired to travel to the business district at Monrovia, he would not use Fifth Avenue, indicates that there is little likelihood of through travel using the proposed crossing. For the residents along Fifth Avenue, the proposed crossing would save approximately one-half mile in reaching the business center of Monrovia, but would be of no benefit for those desiring to go to Arcadia.

The record shows that existing crossings on either side of the proposed crossing are reasonably adequate to care for the highway travel in this vicinity.

View conditions at the proposed crossing are poor, particularly because of the fact that the track is on a curve, and by reason of the heavy high speed main line operation the crossing would undoubtedly be hazardous.

We have given careful consideration to the evidence in

this proceeding and in our opinion the public convenience and necessity do not justify the granting of the application.

O R D E R

The City of Monrovia having made application for authority to construct a grade crossing over The Atchison, Topeka and Santa Fe Railway Company's tracks at Fifth Avenue, a public hearing having been held thereon, the matter having been duly submitted and being now ready for decision,

The Railroad Commission of the State of California hereby finds that public convenience and necessity do not require the construction of the crossing as requested;and,

IT IS HEREBY ORDERED that the application herein be and the same is hereby denied.

Dated at San Francisco, California, this 3rd day of December, 1928.

Leon Whidell

Ch. Seaver

Thos. Spritt

W. J. Coon

Commissioners.