

Decision No. 22546

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application
of the COUNTY OF LOS ANGELES for
order authorizing a grade crossing
over the Southern Pacific Company's
right of way on Old Nadeau Road.

APPLICATION NO. 16197

Everett W. Mattoon and Robt. W. Kenny,
for Applicant.

C. W. Cornell for Southern Pacific
Company, Protestant.

BY THE COMMISSION:

OPINION

The Board of Supervisors of the County of Los Angeles has petitioned the Commission for authority to construct Old Nadeau Road at grade across the track of Southern Pacific Company in the vicinity of Palmdale, County of Los Angeles.

A public hearing in this proceeding was conducted by Examiner Williams in Los Angeles on March 11, 1930, at which time the matter was submitted on briefs, and, the briefs having been filed, is now ready for decision.

Old Nadeau Road, extending in a general north and south direction from State Highway Route No. 23 to Little Rock, is constructed to a width of approximately ten feet and across the track of Southern Pacific Company at grade.

The railroad involved is the single track main line of Southern Pacific Company between Los Angeles and Oakland via San Joaquin Valley, and over which operate eight passenger trains and

four light helper engines daily, at a speed of approximately thirty miles per hour, and eight freight trains daily at a speed of approximately twenty miles per hour.

The County of Los Angeles proposes to widen and improve Old Nadeau Road to a width of twenty feet, and to relocate the existing crossing to a point approximately 100 feet west thereof.

Southern Pacific Company protested the granting of this application, on the ground that the existing crossing is a private one, and that a public crossing at this location would be hazardous and unnecessary.

It appears from the record that Old Nadeau Road has been used for many years and that traffic over it had uninterrupted crossing of the tracks until a few years ago, when gates were erected by Southern Pacific Company. One witness testified to his personal knowledge of the use of this crossing in 1890. The record justifies our finding that the existing crossing has been and still is a public crossing and we so find.

County witnesses testified that the road is being widened and improved at the request of many pear growers at Little Rock, who use this road as a route for their trucks to Palmdale. The widening and improving of Old Nadeau Road will provide a convenient short cut to and from Los Angeles County Playground, and a saving of about seven miles, and will undoubtedly be attractive to such traffic, so that the amount of traffic which will be attracted to the new crossing will be an increase over that now using the existing crossing.

The northeast and southeast corner views at the existing crossing are seriously obscured by high banks of dirt, and the crossing is neither protected by crossing signs nor other means of crossing protection. The alignment, corner views and approach grades of the proposed crossing will be considerably improved over those at the existing crossing.

Inasmuch as the proposed crossing will be safer than the existing crossing which it will replace, it appears reasonable to

require the Southern Pacific Company to bear that portion of the cost necessary for the construction of the crossing proper.

As stated above, the traffic on Old Nadeau Road will be materially increased by its improvement, so it appears that a Standard No. 3 wigwag should be installed at the proposed crossing, and the cost of same should be borne seventy-five per cent (75%) by the applicant, and twenty-five per cent (25%) by Southern Pacific Company.

After carefully considering all of the evidence in this proceeding, we are of the opinion that public convenience and necessity require the construction of the proposed crossing, together with the closing of the existing crossing, and that the cost of installing and protecting said crossing should be apportioned in accordance with provisions outlined above.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that permission and authority be, and it is, hereby granted to the Board of Supervisors of the County of Los Angeles, State of California, to construct Old Nadeau Road at grade across the track of Southern Pacific Company at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

Description of Crossing

That portion of the Southern Pacific Railroad Company's right of way (Valley Line) in the W. $\frac{1}{2}$ of Section 12, Township 5 north, Range 12 west, S.B.M., within a

strip of land 60 feet wide, lying 30 feet on each side of the following described center line:

Beginning at a point in the southerly line of said section, which is S. 89° 46' 30" E. thereon 824.13 feet from the southwest corner of said section; thence North 46° 43' 30" E. 1088.41 feet to the beginning of a curve concave to the northwest, tangent to said last mentioned course, and having a radius of 500 feet; thence northeasterly along said curve 253.95 feet; thence N. 17° 37' 30" E. 147.02 feet to the beginning of a curve concave to the southeast, tangent to said last mentioned course, and having a radius of 500 feet; thence northeasterly along said last mentioned curve 447.75 feet; thence No. 68° 56' 00" E. 500 feet.

The above crossing shall be identified as Crossing No. B-417.8.

Said crossing shall be constructed subject to the following conditions, and not otherwise:

1. The cost of constructing and thereafter maintaining that portion of said crossing outside of lines two (2) feet outside of the rails shall be borne by applicant. The cost of construction and thereafter maintaining that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company.
2. The crossing shall be constructed of a width not less than twenty (20) feet and at an angle of approximately seventy-five (75) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 2, as specified 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 suitable for the passage thereon of vehicles and other road traffic.
3. A Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission, shall be installed and maintained for the protection of said crossing. The cost of installing said wigwag shall be borne seventy-five (75) per cent by applicant and twenty-

five (25) per cent by Southern Pacific Company. The cost of maintaining said wigwag shall be borne by Southern Pacific Company.

4. The existing grade crossing located approximately one hundred (100) feet east of the crossing herein authorized shall be legally abandoned insofar as the County of Los Angeles has power so to do, and shall be effectively closed to public use and travel.

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.

7. 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 17th day of

June, 1930.

C. C. Bennett
Edward J. ...

H. A. ...

Commissioners