

**ORIGINAL**Decision No. 9998.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
KATHERINE HOHMAN for a crossing over  
the tracks of the Los Angeles and  
Salt Lake Railroad Company near  
Bloomington, San Bernardino County,  
California.

Application No. 16729.

Katherine Hohman, in propria persona.  
Frank Karr and R. E. Wedekind for Pacific  
Electric Railway Company, protestant.  
A. S. Halsted and E. E. Bennett for Los  
Angeles and Salt Lake Railroad Com-  
pany, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding Katherine Hohman, under Section 485-A of the Civil Code, seeks authority to construct a private crossing at grade over the track owned by Los Angeles and Salt Lake Railroad Company and operated by Pacific Electric Railway Company in the vicinity of Bloomington, San Bernardino County.

A public hearing was held in this matter before Examiner Williams in Los Angeles on July 23, 1930.

The land of Mrs. Hohman is located in Block 337 of Semi-Tropic Land Company subdivision as per map page 12, records of San Bernardino County, northeast of the Town of Bloomington.

Block 337 is a triangular area with its hypotenuse along the right of way of the Los Angeles and Salt Lake Railroad Company, which runs in a northeast and southwest direction.

On the opposite side of the right of way from Block 337 is located Bloomington Avenue, which extends from the Town of Bloomington in a northeasterly direction for several miles.

The land owned by Mrs. Hohman is in the form of a triangle consisting of approximately two acres and situated in the center of Block 337 facing on the railroad right of way. In other words, Mrs. Hohman's property is entirely surrounded by private property including the railroad and consequently has no outlet to a public highway.

At the time the railroad was built (1913) Block 337 was in a single holding and a private crossing was provided near each end of the property. To use either of these crossings in getting to and from applicant's property it has been necessary for Mrs. Hohman to travel over private property. The owners object to this use of their land. It appears that the most practical method of affording applicant an outlet to Bloomington Avenue is to install a private grade crossing near the center of Mrs. Hohman's property, provided, however, that if the property is further subdivided that the smaller areas should be so arranged as to be served by the crossing herein proposed.

The line involved is owned by the Los Angeles and Salt Lake Railroad Company and operated by Pacific Electric Railway Company. Normally, there are 22 electric trains operated over this track per day and an occasional freight train. The maximum speed of these trains is 30 miles per hour.

The railroads object to the granting of this application on the ground that the present number of crossings in this area should not be increased and that, in their opinion, Section 485-A of the Civil Code does not apply, since two private crossings were provided so as to give ingress and egress to and from the larger tract of land, out of which Mrs. Hohman's property was later subdivided.

In situations where private owners subdivide land holdings,

which require additional private crossings under Section 485-A of the Civil Code, an attempt should be made between the owners to consolidate the use of such crossings where reasonably possible. Furthermore, the Commission does not look with favor on the establishment of crossings in close proximity with each other, particularly to serve subdivisions that should be laid out to avoid such crossings. In this case it is the opinion of the Commission that the crossing desired by applicant is one that should be constructed and that the application should be granted.

O R D E R

Katherine Hohman, having made application to the Commission for a private crossing at grade over the tracks of Los Angeles and Salt Lake Railroad Company and operated over by Pacific Electric Railway Company in the vicinity of Bloomington, San Bernardino County, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission be and it is hereby granted to Katherine Hohman to construct a private crossing at grade across the tracks of Los Angeles and Salt Lake Railroad Company near the center of the property of applicant in Block 337, as per map, page 12, of the records of San Bernardino County.

Said private crossing shall be constructed subject

to the following conditions:

(1) The entire cost of constructing said private crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two feet outside of the rails shall be borne by Los Angeles and Salt Lake Railroad Company.

(2) The crossing shall be constructed of a width not less than sixteen (16) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not exceeding six (6) per cent; shall be constructed equal or superior to Standard No. 1, as specified in General Order No. 72 of this Commission; shall be protected by private crossing signs and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) Applicant for whose benefit this crossing is authorized shall within thirty (30) days from the date of this order, file with the Commission a stipulation containing provisions that, in the event the land owned by applicant is further subdivided, provision will be made for the use of the crossing herein authorized by said subdivision so that no crossings at grade in addition to that herein authorized will be needed.

(4) Los Angeles and Salt Lake Railroad Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) 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.

(6) 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 rights and proper and to revoke its permission if, in its judgment, 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 10<sup>th</sup> day of September, 1930.

W. E. Sawyer

Leon Anthony

Thos. D. Lott

Commissioners.