

Decision No. 22961.**ORIGINAL**

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 a crossing over	}	Application
the Southern Pacific Railroad	}	No. 16624
Company's tracks and right of way	}	
at Melrose Abbey Mausoleum, County	}	
of Orange, State of California.	}	

Z.E. West, District Attorney of Orange
County, for Applicant.

Frank Karr and R.E. Wedekind, for
Southern Pacific Railroad Company
and Southern Pacific Co., Protestants.

BY THE COMMISSION:

OPINION

County of Orange has petitioned the Railroad Commission for an order authorizing the construction of a public street, at grade across the track of Southern Pacific Company in said County to serve the Melrose Abbey Mausoleum.

A public hearing on this application was conducted by Examiner Sandford at Los Angeles and the matter was duly submitted.

The railroad involved in this proceeding is the Southern Pacific Company's single track Santa Ana Branch extending in a general northwesterly and southeasterly direction at the location of the proposed crossing. The State Highway is constructed parallel to and adjacent to the northerly right-of-way line of said railroad.

Applicant proposes to construct a public street from said State Highway across the railroad track to the privately owned Melrose Abbey Mausoleum located adjacent to and on the southerly side of the railroad right-of-way. The mausoleum is located on private property approximately 400 feet southeast of Orangewood Avenue, and approximately 2800 feet northwest of Chapman Avenue, which streets

are constructed across the railroad company's track. The property is so located that it cannot be served by either of the above mentioned streets unless a roadway is constructed across other privately owned property.

The record shows that the property south of the mausoleum and east of the tracks has been subdivided, but as yet no development has taken place which would require a public crossing. The record further shows that at the present time the crossing would be used exclusively by traffic to or from the mausoleum.

Mr. John T. Williams, manager of the Melrose Abbey Mausoleum, testified that he had applied to Southern Pacific Company for a private crossing at the location of the proposed crossing and was advised by a representative of the railroad that an application should be made for a public crossing.

It has been estimated that the traffic over the crossing for the next two or three years would, normally, consist of three or four funerals daily, in addition to the rather small amount of traffic to and from such mausoleum. The railroad traffic over the crossing consists of three freight trains daily, operating at a speed of twenty to twenty-five miles per hour. The manager of the mausoleum company testified that his company would be willing to bear the entire cost of constructing the crossing and the entire maintenance cost during such time as the crossing was used exclusively by traffic to and from the mausoleum.

It may be well to suggest at this time that provision be made for a roadway along the westerly side of the Southern Pacific Company's right-of-way between Orangewood Avenue and Chapman Avenue, so that purchasers of lots in the area west of the tracks between said streets will be provided with means of ingress and egress to their property without the necessity of constructing numerous crossings over the railroad tracks for this purpose. The construction of such a road or roads may relieve the necessity for a crossing at the

location proposed herein.

After a careful review of the record in this proceeding, we are of the opinion that under present conditions, public convenience and necessity warrant the establishment of a public grade crossing at this location and, therefore, the application will be granted.

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 County of Orange, State of California, to construct a public crossing at grade across the track of Southern Pacific Company, at the location as shown by the maps attached to the application.

The above crossing shall be identified as Crossing No. BK-513.0.

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

(1) The entire expense of constructing the 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 outside rails shall be borne by applicant. The maintenance of that portion of the crossing 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 crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width of not less than twenty-four (24) feet 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 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, at the sole expense of applicant, for the protection of said crossing. The maintenance of said wigwag shall be borne by Southern Pacific Company.

(4) Applicant 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 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 15th day of October, 1930.

Oliver
Emilio
Leon

Commissioners.