

Decision No. 10069

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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The City of Hyde Park,
a municipal corporation,

Plaintiff,

vs.

The Atchison, Topeka and
Santa Fe Railway, a
corporation,

Defendant.

Case No. 1663.

ORIGINAL

A. G. Payne, for Plaintiff.

M. W. Reed, for Defendant.

By The Commission:

O P I N I O N

In this proceeding the City of Hyde Park complains that The Atchison, Topeka and Santa Fe Railway, whose line passes through the City of Hyde Park, has not opened Pearl Street and Mineral Avenue across the railroad although these streets are shown on the original plat of Hyde Park as it was laid out, platted and recorded in 1887, prior to the construction of the railroad.

The defendant, in answer to the complaint, alleges that the railroad was not extended over either Pearl Street or Mineral Avenue for the reason that these streets were not open, laid out, used, occupied, or in any way improved as streets or highways and that the dedication of the streets and avenues named in this plat were not accepted by the public until a long time subsequent to 1887.

A public hearing on this complaint was held in the City

of Hyde Park before Examiner Williams, January 13, 1922.

The City of Hyde Park, a municipal corporation of the sixth class, was incorporated May 12, 1921, and includes the territory shown on a map of Hyde Park that was recorded in January 1887 in Book 14, page 21, of Miscellaneous Records in the office of the Recorder of the County of Los Angeles.

The portion of Hyde Park that has been subdivided consists of blocks approximately 377 feet wide by 840 feet long, the longer dimension of the blocks lying in a north and south direction. The Atchison, Topeka and Santa Fe Railway passes through the City of Hyde Park in a southwesterly and northeasterly direction and there are three open and used crossings over the tracks within the city limits. One of these, Mesa Drive, is the principal business street of the city and is also one of the main north and south thoroughfares of this portion of the county. The other two crossings are at Mountain Avenue and Cypress Avenue, both of which are north and south streets and are located approximately 400 and 1200 feet, respectively, to the east of Mesa Drive.

Redondo Boulevard is another important north and south thoroughfare in this portion of the county and lies approximately 1200 feet to the west of Mesa Drive. Redondo Boulevard, however, does not cross the railroad but turns at the railroad and runs parallel to it in a southwesterly direction. The Los Angeles Railway's Inglewood line passes through the City of Hyde Park on Mesa Drive as far as the Santa Fe tracks and thence extends southeasterly on private right of way lying parallel and adjacent to the track of the defendant.

The two streets which the City of Hyde Park now desires to have opened across the railroad are Pearl Street and Mineral Avenue, both of which are north and south streets located approximately 400 feet and 800 feet, respectively, west of Mesa Drive. These two latter streets are actually open for public use and travel up to the two

railroads and the real purpose of the present proceeding is to obtain permission to have these two streets constructed across the Atchison, Topeka and Santa Fe track.

The evidence indicates that the territory lying along Pearl Street and Mineral Avenue along the railroad is but sparsely settled, there being only 15 or 20 residences constructed and all of this territory actually has an outlet to Mesa Drive by means of Pine Street or Lake Street, which are east and west streets located south of the railroad and which intersect Mineral Avenue, Pearl Street and Mesa Drive.

Considerable testimony was offered to show that, by the construction of Pearl Street and Mineral Avenue across the railroad property values along these streets south of the railroad would be materially increased. A considerable portion of this territory is, however, so situated topographically that its growth will be naturally retarded unless quite expensive improvement work is undertaken, and the two streets for which crossings are requested thus would serve only a limited section south of the railroad. The evidence therefore shows that there does not now exist sufficient public necessity and convenience to justify the installation of these crossings located, as they are, only 400 and 800 feet, respectively, from the main thoroughfare of the town to which access is desired. It therefore appears that the relief sought in this complaint should be denied on the following grounds:

1. The territory south of the defendant's track to be benefited by the installation of the crossings sought is but sparsely settled and therefore sufficient public necessity and convenience does not at this time exist.

2. That the territory for which relief is desired actually has an outlet to the main thoroughfare of the City of Hyde Park by means of Pine Street or Lake Street.

3. That the granting of permission to construct these streets across the defendant's tracks would not give the relief desired as it would also be necessary to construct the streets across the tracks of the Los Angeles Railway, which latter corporation was not a party to this proceeding and had no notice thereof. It should be noted, however, that were the matter of constructing Pearl Street and Mineral Avenue over the Los Angeles Railway also before the Commission the first two reasons noted above for denying the relief prayed for in this proceeding would also apply as to crossing of the Los Angeles Railway by these two streets.

O R D E R

The City of Hyde Park having filed a complaint against The Atchison, Topeka and Santa Fe Railway wherein the complainant prays that this Commission order the defendant to open Pearl Street and Mineral Avenue over the right of way and track of the defendant, a public hearing having been held, the Commission being apprised of the facts and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the relief prayed for in this proceeding be and it is hereby denied.

Dated at San Francisco, California, this 8th day of February, 1922.

H. B. Brundage
A. D. Loveland
Charles H. Towse
J. J. [Signature]
Commissioners.