

ORIGINAL

Decision No. 10330

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)
of the City of Santa Ana, a municipal)
corporation of the Fifth Class, Ashby)
Turner, P.G. Beissel, Fred Newcomb and) Application No. 7576.
J. Earl Talcott, for permission to)
construct three public streets at grade)
across the right of way and track of the)
Pacific Electric Railway Company.)

G. H. Scott, for City of Santa Ana.
H. J. Forgy, for Ashby Turner, P.G.
Beissel, Fred Newcomb and J. Earl
Talcott.
R. C. Cortner, for Pacific Electric
Railway Company.

By The Commission:

O P I N I O N

In this application the City of Santa Ana, together with certain individuals, asks permission to construct three public streets; namely, -Wisteria Place, Beverly Place and Normandy Place at grade across the track of the Pacific Electric Railway Company in the City of Santa Ana.

A public hearing was held in this matter before Examiner Williams at Santa Ana on March 31, 1922.

The parties joining with the City in making this application are subdividing tracts of land in the southeasterly portion of the City of Santa Ana and have recently placed the lots of these subdivisions on the market for residential purposes. Considerable testimony was introduced showing the necessity of providing additional facilities for the construction of residences in this portion of Santa

Ana and it was stated at the hearing that of the lots (eighty seven) into which this property had been subdivided all but twenty-two had been sold.

The Santa Ana-Huntington Beach line of the Pacific Electric Railway extends through the property in a north and south direction, the track being located on private right of way. This line is a single track electric railroad, traffic on which is limited to one passenger car in each direction daily and a varying number of freight trains the movement of the latter being restricted by an ordinance of the City of Santa Ana to the hours between 10 P.M. and 6 A.M. The major portion of the freight traffic over this line consists of sugar beets, the transportation of which takes place within a comparatively small portion of the year. At the present time there is no operation at all on this line, due to the removal of the pile trestle across the Santa Ana River this past winter. This trestle, however, the railroad advises, is to be replaced with a steel bridge but no service in addition to that already described, is at present anticipated.

Since the purpose of each of these crossings is to give an outlet to some twelve lots facing on each street located east of the railroad, it is evident that there will be a comparatively small amount of highway traffic over the proposed crossings. Although it would have been possible to have subdivided this property in such a manner that one crossing would adequately have served the entire property, it appears that street work has proceeded to such an extent, and so much of the property has been sold, as to cause a serious inconvenience at this time to resubdivide in that manner.

When this fact is considered, together with the fact that the traffic on the railroad is so slight as to make it a railroad on which the hazard of accident is reduced to the minimum it seems proper that the application for the three crossings should be grant-

ed subject, however, to a very explicit understanding that should traffic conditions on the railroad so change in the future as to substantially increase the public hazard at these crossings, permission for their maintenance should be revoked. It is impracticable to separate the grades at any of these crossings and the traffic would not seem to justify the cost of any protection for the present other than the standard crossing signs.

Although this application is made jointly by the City of Santa Ana and certain individuals the Commission cannot grant the latter permission to construct and maintain public grade crossings, and the order therefore will grant the necessary authority to the City of Santa Ana. At the hearing it was stated that the interested individuals will assume the cost of constructing the crossings, but the manner in which the City provides for the cost is not, in this proceeding, a matter of concern to the Commission.

O R D E R

The City of Santa Ana, together with Ashby Turner, P.G. Beissel, Fred Newcomb and J. Earl Talcott, having applied to the Commission for permission to construct three public streets at grade across the track of the Pacific Electric Railway Company at Wisteria Place, Beverly Place and Normandy Place, respectively, in the City of Santa Ana, County of Orange, State of California, 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 the City of Santa Ana to construct Wisteria Place, Beverly Place and Normandy Place at grade across the track of Pacific Electric Railway Company in the location shown on maps filed as "Exhibit B" and "Exhibit C", attached to the application, said crossings to be

constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings shall be borne by the City of Santa Ana. The cost of their maintenance up to a line two (2) feet outside the rails shall be borne by the City of Santa Ana. The maintenance of those portions of the crossings between the rails and two (2) feet outside thereof shall be borne by the Pacific Electric Railway Company.

(2) Each crossing shall be constructed of a width not less than thirty (30) 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 protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) The authorization herein granted for the installation of said crossings shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings 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.

Dated at San Francisco, California, this 17th day of April, 1922.

H. B. ...

Irving ...

J. P. ...

Commissioners.