

ORIGINAL

Decision No. 3012

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the CITY OF SAN FERNANDO for permission to construct a public street at grade over the tracks of Southern Pacific Company in San Fernando, Los Angeles County, California. Application No. 1975.

Frederick Baker, for applicant

George D. Squires, for Southern Pacific Company.

GORDON, Commissioner.

OPINION

This application was filed with the Commission on November 24, 1915, and looks to the opening of Jessie Street/over the tracks of Southern Pacific Company. A hearing was held in this matter on December 21, 1915, at San Fernando.

A brief discussion of the grade crossing situation in this city seems desirable before the merits of this application are considered. The main line of the Southern Pacific Company runs through the city in a northwesterly and southeasterly direction and divides the city so about two-thirds of its population of 2000 people are north of the track and one-third south. Its streets are generally laid out parallel with the railroad or at right angles to it. As stated in the application, there are but two crossings over the track recognized as being public crossings. The first of these, Hubbard Street, is near the northwesterly boundary of the city and the approach on one side is over private property. Maclay Street, about in the center of the city, is the second of these two crossings, and is the main street across the track. It is paved and improved but the title of the crossing is in the railroad company and not in the city.

There is, however, no question about closing this street. About 660 feet southeasterly from Maclay Street McFarland Street on the north side of the track ends at the railroad reservation;

south of the track and about in line with McFarland Street Brand Boulevard ends at the railroad right-of-way on that side of the track. The terminus of the Pacific Electric line from Los Angeles is on Brand Boulevard at Porter Avenue, a street parallel to the Southern Pacific Railroad and adjacent to its right-of-way at this point. A private crossing is open over the property of the Railroad Company, between these two streets, which is used considerably by the public and, except that it is not improved, is in effect a public road. About 820 feet southeasterly from this private road are Jessie Street, north, and Wolfskill, south, of the railroad right-of-way and it is the intent of this application to join these two streets by extending Jessie Street over the tracks to connect with Wolfskill. There is at the present time a temporary crossing a short distance southeasterly from the crossing now proposed.

Between Jessie Street and McFarland Street there is a high school building and the only connection between the two streets is a private 30 foot road through the school grounds which is not convenient for travel between these streets because it was laid out to take travel from their ends, at the railroad right-of-way, to the buildings and it forms two sides of a triangle, the third side of which would be a direct road between McFarland and Jessie Streets parallel with and adjacent to the Southern Pacific's right-of-way. There are no other cross streets between McFarland and Jessie except Fourth Street which forms the northerly terminus of Jessie Street. The owners of property on Jessie Street now desire to put in improvements by paving, installing lights and constructing sidewalks and they do not care to do so until that street has some connection with the rest of the city at or near where it joins the track.

It was suggested at the hearing that if Jessie Street were opened across the track the private crossing between McFarland

Street and Brand Boulevard could be closed, and this developed the fact that many residents of San Fernando believe that instead of closing this private crossing it should be made a public street. Several witnesses were of the opinion that a street in this location would better serve the public than would a public crossing at Jessie Street.

There is no application before the Commission to construct a crossing at McFarland and it would be impossible now to determine whether a crossing is needed more there than at Jessie Street but from the testimony and from my own observation on the ground I am convinced that while one street should be opened in this part of the city there is no need for two at the present time and there probably will be no such need for some time to come. This would be more apparent, if, as suggested, a street were built parallel with and adjacent to the Southern Pacific's right-of-way between Jessie and McFarland Streets. There are already several cross streets on the south side of the track and with such a cross street on the north side either the Jessie Street crossing or the suggested McFarland Street crossing would, I believe, amply serve the public and a second crossing in this vicinity would not be required.

I have already stated that it appears to me to be reasonable that a street should be opened in this vicinity. The need for such a street should be clear from the previous description of the streets now opened, the location of the school and the distribution of the population, and it seems unnecessary to discuss the need of the crossing further.

At the site of this proposed crossing, in addition to the main line track, and a spur track, there are two switches, protected with derailling devices, which will have to be moved to permit of a crossing being made. The cost of this work has been

estimated to be about \$300.00 and there seems to be no reason why the Commission should not follow its usual custom and require the City to stand this expense as well as the expense of automatic flagman crossing protection, the need for which seems to be beyond dispute.

The temporary crossing now used to connect Jessie and Wolfskill Streets should be closed and the usual conditions will be covered in the following form of order, which I recommend:

O R D E R

CITY OF SAN FERNANDO, having applied to the Commission to construct a public street at grade across the tracks of Southern Pacific Company, and a public hearing having been held, and it appearing to the Commission that for the reasons given in the foregoing opinion this application should be granted subject to certain conditions,

IT IS HEREBY ORDERED, That the City of San Fernando be and the same hereby is granted permission to construct Jessie Street at grade across the tracks of Southern Pacific Company at the place and in the manner shown by the map attached to the application; said crossing to be constructed subject to the following conditions, and not otherwise, viz.:-

(1) The crossing shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing the crossing, including the removal of the two switches hereinbefore mentioned, shall be borne by applicant.

(3) The cost of maintaining this crossing thereafter in good and first-class condition shall be borne by the applicant to a

point within two (2) feet of the rails of Southern Pacific Company. The cost of maintaining the crossing thereafter between the rails and to a point two (2) feet outside thereof shall be borne by Southern Pacific Company.

(4) For the protection of this crossing there shall be installed a first-class automatic flagman of a type approved by the Commission. The cost of this installation shall be borne by applicant, and the cost of its maintenance thereafter in first-class operating condition shall be borne by Southern Pacific Company.

(5) The present temporary crossing now used, southeast of the proposed crossing, shall be legally closed and abandoned as a public highway crossing.

(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 to be right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 30th day of December, 1915.

Max Thebes
W. H. Land

Franz R. Dehn

Commissioners.