

ORIGINAL

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
PACIFIC ELECTRIC RAILWAY COMPANY for
permission to construct a spur track
at grade across Covina Boulevard, Rail-
road Avenue, Clark Street, and Los
Angeles Street, near Vineland, Los Angeles
County, California.
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Application No. 2533.

A. W. Ashburn, for Chamber of Commerce of Baldwin Park
Davis R. Faries, for Los Angeles County
Frank Kerr, for Pacific Electric Railway Company
D. M. Hunsaker, for Russell, Green and Foell.

GORDON, Commissioner,

O P I N I O N.

This application was filed with the Commission on
September 2, 1916, and the permission sought therein was granted
by an ex parte order on September 14th. On September 27th a
protest was received from the Chamber of Commerce of Baldwin Park
against the construction proposed and the Pacific Electric Company
was notified to take no action until the matter was investigated.
The County of Los Angeles filed a protest on October 2d, and a
public hearing was thereafter held.

The track which the Pacific Electric wishes to construct
under this application is a spur track, to serve the Russell-Green-
Foell Company, which leaves its main line track in the unincorporated
town of Baldwin Park, crosses the improved Covina Boulevard, and,
from the junction of that highway with Alderson Avenue (Railroad
Avenue), runs along the east side of the latter street adjacent to
the right of way of Southern Pacific Company for a distance of
about eight hundred feet, when the Avenue turns to the north and
the spur track continues parallel to the Southern Pacific Company's
right of way.

Decision No. 3875

The Chamber of Commerce of Baldwin Park, which protested against the construction of this spur track, bases its objection upon the danger of a crossing of Covina Boulevard, and alleges that the track is not necessary, as the Southern Pacific Company now has a spur track serving the Russell-Green-Foell Company which can be reached by the applicant over the main line of the Southern Pacific Company. The objection of Los Angeles County is based upon the contention that a franchise should be secured from the Board of Supervisors, as the spur track occupies part of a public highway for eight hundred feet of its length, and the consent of the Supervisors has not, as yet, been obtained.

It seems clear to me that the objection of the County is entirely reasonable. It may sometimes be difficult to determine the difference between the crossing of a highway and its occupancy by a track, but in this instance the street will not actually be crossed, and some ten feet of its total width of fifty feet will be taken up by the proposed track for a distance of eight hundred feet. It appears to me to be only reasonable that the permission of the governing board of a County should under the facts here present be obtained before a portion of its street is appropriated for railroad purposes, and I will certainly not recommend the granting of this application as far as Alderson Avenue is concerned, unless such permission is secured by the Pacific Electric from the Supervisors of Los Angeles County.

I cannot agree with the contentions of the Baldwin Park protestants that the track is not needed. The representative of the Russell-Green-Foell Company, which is to be served by it, testified that a spur track from the Pacific Electric would enable that Company to reach territory with their shipments which cannot now be reached by the Southern Pacific Company, and that the business of the plant would be increased by a Pacific Electric

connection to such an extent that an extra shift of men would be employed. It appears, further, that the Pacific Electric Company secures its rock at present from two crushers which are not prompt in deliveries, and that access to the Russell-Green-Foell plant is needed to enable it to complete promptly the improvement work ordered by the various municipalities through which it runs.

Although several witnesses testified that the installation of a spur track at the point proposed would depreciate property values in this vicinity and have an unfavorable effect upon the growth of Baldwin Park, other residents of the town felt that any increase in the business done by the stone company would have an effect exactly the opposite, and I am inclined to the same opinion. I am not much impressed by the suggestion of protestants that applicant could use a portion of the main line of the Southern Pacific Company to reach the existing spur tracks of the latter Company which now serve the crusher.

As far as the danger is concerned it appears that this track will be used but a few times daily and then necessarily at slow speed, because the connection with the main line is within three hundred feet of the crossing at Covina Boulevard. Such danger as there may be in connection with the operation of this track will be confined entirely to Covina Boulevard, as there will be no crossing of the track on Alderson Avenue. Furthermore, the spur track will cross Covina Boulevard immediately adjacent to an existing crossing of the Southern Pacific Company, and if those who use the Boulevard properly safeguard their approach to the latter crossing they will in no way be endangered by a crossing of the spur track.

As far as the crossing of Covina Boulevard itself is concerned, there appears to be no reason why the application should not be granted at once. This crossing, however, would be of no use to applicant until it secures some route to the plant of the Russell-Green-Foell Company, either by obtaining consent to use

Alderson Avenue (Railroad Avenue) as proposed, by securing a private right of way, or by securing a vacation of part of Alderson Avenue (Railroad Avenue) by the Board of Supervisors. An order, therefore, granting permission for the construction of the crossing of Covina Boulevard, at the point proposed, would not be operative until this is settled, and unless the present proposed route is followed it would have to be set aside later and an order entered to cover a crossing in a slightly different location.

I recommend the following form of order:-

O R D E R

PACIFIC ELECTRIC RAILWAY COMPANY, having applied to the Commission for permission to construct its track at grade across Covina Boulevard, Alderson Avenue (sometimes called Railroad Avenue), Clark Street and Los Angeles Street, in Los Angeles County, California, and the Commission having granted this order ex parte, in an order thereafter set aside, and a public hearing having been later held, and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED, That that portion of the order previously made in regard to this application (decision 3638) referring to Covina Boulevard and Railroad Avenue (Alderson Avenue) be and the same is hereby revoked, and that this application, so far as it pertains to these streets be and the same is hereby denied without prejudice to the filing of a further application in accordance with the foregoing opinion.

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 15th day of November, 1916.

W. H. Boardman
Att. General

Frank R. Durbin
Commissioners