

Decision No. \_\_\_\_\_.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of )  
 the COUNTY OF ORANGE for an order )  
 authorizing it to construct a crossing )  
 over the tracks of the Southern Pacific )  
 Railroad Company and the Pacific Electric )  
 Railway Company at La Bolsa, Orange )  
 County, California ..... )  
 Application No. 2808.

In the matter of the application of the )  
 COUNTY OF ORANGE, also of the City of )  
 Huntington Beach, for an order authoriz- )  
 ing it to construct a crossing over the )  
 tracks of the Southern Pacific Railroad )  
 Company, ..... )  
 Application No. 2809.

In the matter of the application of the )  
 CITY OF HUNTINGTON BEACH, a municipal )  
 corporation, for the establishment of )  
 crossings at Indianapolis Street, Acacia )  
 and Magnolia Avenues and Memphis Street )  
 in said City over the line of the Southern )  
 Pacific Railroad, ..... )  
 Application No. 2830.

S. P. Nelson, for City of Huntington Beach

Thomas B. Talbert, for Orange County

George D. Squires, for Southern Pacific Company

GORDON, Commissioner,

O P I N I O N.

The first of these applications is for a crossing in unincorporated territory in Orange County, the second for a crossing which lies half within the City of Huntington Beach and half within the County, and the third for four crossings within the City of Huntington Beach. As all of the crossings covered in these three applications are on the same branch line railroad of the Southern Pacific Company and include all the undedicated crossings between the Main Street county crossing at La Bolsa, to the north, and Magnolia Avenue, the city crossing to the south, and serve practically the same territory, they were heard together and can be conveniently covered by one opinion and order.

The proposed crossing of Main Street at La Bolsa is adjacent to an existing right angle crossing at a point on the railroad where an east and west road and a northeast and southwest road come together. The application is in effect a request for permission to widen the existing crossing so traffic can go from one road to the other without the slight detour now necessary. It appears that there would be no increase in the hazard if this change were made, and I shall recommend that the permission sought be granted.

The joint application of the City of Huntington Beach and Orange County, Application 2809, looks to opening Clay, an east and west street, over the main line and siding of the railroad. This crossing, it is claimed, would afford direct access for an oilcloth factory and a cannery company, which has lately been established in an old warehouse, both of which are east of the railroad. It does not appear that at the present time any other traffic would be served, although it is possible that when the proposed cannery is actually in use some traffic from the northeast would find Clay Street its most convenient route. Traffic from the two industries at the present time follows Clay Street easterly to Seventeenth Street, an improved county road, thence it turns southwest on Seventeenth, crosses underneath the railroad by a subway on that street, and follows the same street to the City. Huntington Avenue, a north and south street, intercepts Clay Street a short distance from these plants and forms a shorter route to the subway. This street, however, is not improved and the land which it traverses is so low that it is impassable in the winter time. It is the contention of the applicants that if Clay Street were opened traffic would cross the track there, strike Twenty-third Avenue to the west of the crossing and follow that street and Main Street to Huntington Beach.

The proposed crossing at Clay Street would <sup>be</sup> more or less dangerous. The right-of-way of the railroad company is narrow

and the view of trains approaching from the south would be obstructed both by the cannery, which has been mentioned, and by a cut between Clay and the subway at Seventeenth Street. I am convinced that the Commission should not permit this crossing to be opened without the installation of a crossing bell, the cost of which seems to be about the same as the cost of improving Huntington Avenue. As far as safety is concerned there would be no comparison between the two routes even were Clay Street protected by a bell, as the route by Huntington Avenue and Seventeenth Street would entirely avoid a railroad grade crossing. I am of the opinion that at this time the traffic which would use Clay Street is not sufficient to warrant the opening of a crossing at that point especially since a subway would be made available to the same traffic, as I said before, by the expenditure of a few hundred dollars for improving Huntington Avenue.

In the last application (#2830 ) the city alone is concerned. Although it asks permission to open Indianapolis Street, Acacia Street and Magnolia Avenue over the track it appears that these crossings are now open and have been used for about ten years. This apparently makes them public crossings and no action upon the part of the Commission is necessary to permit them to be kept open. I may say, however, that Acacia and Magnolia appear to be needed. The need for Indianapolis depends upon the disposition of the new crossing at Memphis Street which the city seeks to open and which will be discussed later.

With the consent of Counsel for Southern Pacific Company the application of Huntington Beach was amended to ask for the installation of a suitable protection at Acacia Street. This street is paved and carries the heaviest traffic of any considered in these three matters. The view at three of the corners is badly obstructed and the testimony clearly confirms my own observations on the ground and the opinion of the Commission's engineering department that this crossing needs protection. I believe the railroad company should

install an automatic flagman here and shall make a recommendation to that effect in the order.

Memphis Street is the only crossing in the application made solely by the City (Application 2830) which is not now a public crossing. If opened it will serve ten or twelve families which live adjacent to it and who now find it difficult to go to and from their homes during the winter as all streets and roads which lead to them are unimproved and subject to overflow. Memphis Street is sufficiently higher to be free from overflow. It seems to be the opinion of the city officials, and of the other witnesses who testified, that Memphis would be a more important street than Indianapolis, the next street to the south, and that the latter street could be closed if Memphis were opened. I can see the need of a crossing at Memphis and this seems to me to be a reasonable solution of the matter. I believe that it should be worked out in that way and recommend the following form of order:-

O R D E R

CITY OF HUNTINGTON BEACH, ORANGE COUNTY, CALIFORNIA,  
and ORANGE COUNTY, CALIFORNIA, having applied to the Commission for permission to open certain public highways at grade over the tracks of Southern Pacific Company, and a public hearing having been held, and the Commission being fully apprised in the premises,

IT IS HEREBY ORDERED, That permission be and the same hereby is granted Orange County to construct Main Street at grade over the tracks of Southern Pacific Company, at the point and in the manner shown by the map attached to application 2808, subject to the following conditions, viz.:-

- (1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant, except for the portion between the rails and two (2) feet outside thereof, which shall be maintained by Southern

Pacific Company.

(2) Said crossing shall be constructed of a width and type of construction to conform to that portion of Main Street now graded, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

IT <sup>IS</sup> HEREBY FURTHER ORDERED, that Application 2809 be and the same hereby is denied.

IT IS HEREBY FURTHER ORDERED, that Application 2830, in so far as it applies to the opening of Acacia Street, Indianapolis Street and Magnolia Avenue, be and the same hereby is dismissed.

IT IS HEREBY FURTHER ORDERED, That permission be and the same hereby is granted City of Huntington Beach to construct Memphis Street at grade over the tracks of Southern Pacific Company at the point and in the manner shown on the map attached to the application, subject to the following conditions and not otherwise: -

(1) Said crossing shall be constructed of a width of not less than twenty (20) feet, with grades of approach not exceeding four (4) per cent; shall be protected by a suitable crossing sign 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, together with the cost of its maintenance thereafter in good and first-class condition shall be borne by applicant, except for that portion between the rails and two (2) feet outside thereof, which shall be maintained by Southern Pacific Company.

(3) Before Memphis Street is opened as a public highway Indianapolis Street shall be closed and abandoned for public travel.

IT IS HEREBY FURTHER ORDERED, That Southern Pacific Company shall, six (6) months from the date of this order, install an automatic flagman of a type approved by this Commission, at Acacia

Street.

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.

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 1<sup>st</sup> day of May, 1917.

Max Thelen

W. H. Boardman

W. E. Gordon

Edwin L. Edgerton

Frank R. Paulsen

Commissioners.