

Decision No. 29728 .

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the County of Orange for an order
authorizing the construction and
maintenance of a crossing over the
Southern Pacific Railroad Company's
tracks and right of way at Wasser
Road, Orange County, California.

ORIGINAL

Application No. 20919.

W. F. Menton, District Attorney, by Harold A.
McCabe, Deputy District Attorney, for the
County of Orange.

C. W. Cornell and Randolph Karr, for Southern
Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding, the County of Orange seeks authority to construct and maintain a crossing at grade over the tracks of Southern Pacific Company's Tustin Branch at Wasser Road. Public hearing in this matter was conducted by Examiner Hunter at Los Angeles on April 14th, 1937, at which time the matter was duly submitted, and it is now ready for decision.

The record shows that Wasser Road recently has been improved to a width of about twenty feet north of the tracks by applying an oil surface to the former dirt road. Witness for the applicant testified that the road would serve some ten families and would offer a more direct route between this district and both Santa Ana and Orange. This same witness testified, however, that he had not been in the area involved within the last nine months and his estimate of the persons who would

be served was more in the nature of a guess. As a matter of fact, Southern Pacific Company's Exhibit No. 2 shows an actual survey of the area involved and indicates that there is only one residence, which is located on Taft Avenue east of Sunkist Avenue, which would be directly benefited by the construction of the crossing proposed herein. This same exhibit shows that, with respect to the other residents in the district, this crossing would be of little direct benefit, as four of these residences are located on Winston Road and four others on Ball Road, all west of Sunkist Avenue. The existing grade crossing at Placentia Avenue affords a more direct route over the railroad for these residents than the one proposed herein; furthermore, Placentia Avenue is the main highway artery between this district and the trading center to the south at Orange and Santa Ana.

The record shows that view conditions are badly obscured at the site of the proposed crossing by orange groves adjacent to the highway and the railroad right of way. Rail traffic consists of one freight train each way daily, except Sundays, with occasional extra movements during the orange season. The maximum allowable speed for these train movements is thirty miles per hour.

Southern Pacific Company opposes the granting of this application on the ground that public convenience and necessity do not justify its existence, taking the position that the district is now provided with sufficient public crossings over its tracks to reasonably meet its requirements.

The record shows that a private crossing has been in existence at this location for some twenty-five years, which crossing has been used by the general public for a number of

years, although the railroad maintains a private crossing sign.

A careful review of this record leads to the conclusion that the establishment of a public crossing as proposed herein would be of little service in a public way; in fact, the benefits accruing therefrom would redound largely to one resident and perhaps afford a somewhat more direct ingress and egress to property immediately adjacent to the railroad. It further appears that the parties who would be benefited by the construction of this crossing are not seriously inconvenienced in traveling across the railroad via existing crossings.

While the railroad involved is a branch line, over which there are only infrequent rail movements, nevertheless, the proposed crossing would be a rather hazardous one, as the views are seriously obstructed by trees, and, if public convenience and necessity otherwise justified the establishment of a public crossing at this location, the conditions would reasonably justify the installation of automatic protection, involving an expenditure of \$2,000.00. The evidence offered in this record does not establish sufficient public convenience and necessity to justify the authorization of a public crossing at this location. The application therefore will be denied.

O R D E R

Public hearings having been held and the Commission being fully advised;

IT IS HEREBY ORDERED that the application of the

County of Orange, to construct Wasser Street at grade across the Tustin Branch of Southern Pacific Company, be and the same is hereby denied without prejudice.

Dated at San Francisco, California, this 22 day of May, 1937.

Walter Moore
Lion O'Connell
Francis R. Newman
Raymond K. Kelley
Ray & Kelley
Commissioners.