

ORIGINAL

Decision No. 3011A.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of SAN DIEGO COUNTY, CALIFORNIA, to establish a road crossing over the San Diego and Arizona Eastern Railway Company's tracks at San Diego Avenue, Lemon Grove, California.

Application No. 21121.

Thos. Whelan, District Attorney, by
W. A. Glen, Chief Deputy District Attorney,
for Applicant.

Gray, Cary, Ames & Driscoll, by E. A. Walters,
for San Diego & Arizona Eastern Railway Company,
Protestant.

W. W. B. Seymour, for Spring Valley and Lemon Grove
Chambers of Commerce, Interested Parties.

BY THE COMMISSION:

O P I N I O N

In the above entitled application, the Commission is asked to make its order granting the County of San Diego authority to construct San Diego Avenue at grade across the tracks of the San Diego & Arizona Eastern Railway Company in the unincorporated town of Lemon Grove.

A public hearing was conducted in this matter by Examiner Hunter at San Diego on August 19, 1937, at which time the matter was taken under submission.

The grade crossing involved herein is part of a major highway improvement of the main State highway artery between San Diego and El Centro, via Campo Road to the east of Lemon Grove. This improvement consists of a realignment of a section of the

State highway from the proposed grade crossing eastward, a distance of about .6 of a mile. The alignment of that section of the present highway which is to be replaced by proposed new road involves rather sharp curves and undulating grades which reduce the sight distance much below the State highway standards as they are now adopted. The project involves the construction of approximately 3,200 feet of new highway having a right of way width of 80 feet with a 36-foot oiled driveway. This new road is a continuation in an easterly direction of San Diego Avenue, which now terminates at the railroad. San Diego Avenue, in turn, is an extension of Broadway, one of the main east and west highways of the City of San Diego. The County of San Diego plans to construct this new highway on State highway standards and upon its completion turn it over to the Department as one of the State system, and at that time the existing section of the State highway which is to be replaced by this new one, will be changed from its State status to that of a county road.

Exhibits 1, 2, and 3 are statements taken from the minutes of the Board of Supervisors at its regular meetings during the first three months of 1937, which show that the Board has determined to proceed with the street extension to the east of the railroad, which is referred to above, and has instructed the County Surveyor to proceed with the acquisition of the necessary right of way for this new highway. The record shows, however, that although the survey (No. 503) and plans have been completed, the final steps in acquiring this property await the determination of this application, as the proposed highway improvement could not be consummated unless the application is granted and the proposed crossing constructed.

It appears that the proposed highway extension will afford a direct and convenient outlet to a number of subdivisions in this

district which are now being developed with new homes.

The granting of this application was urged by many residents and organizations in the district. The District Engineer of the State Department of Public Works, Division of Highways, testified that the County and State were in agreement as to how the work should be performed and that upon completion of the new section of highway, it was planned to absorb it as part of the State highway system in this district in lieu of the section it replaces. The record shows that the State has agreed to contribute \$3,000 toward the cost of constructing the proposed grade crossing.

The railroad tracks involved are the main line (single track), and siding of the San Diego & Arizona Eastern Railway Company's Lakeside Branch. The normal rail operation over this track is three round trips a week. These trains usually consist of about six freight cars and travel at the rate of from 15 to 25 miles per hour in the vicinity of the proposed crossing. There is no passenger service on this branch line. The record shows that the view at the proposed crossing is seriously impaired by a number of buildings located adjacent to the track.

The granting of this application is opposed by the San Diego & Arizona Eastern Railway Company on the following grounds:

1. Public requirements for access over the railroad are reasonably met by the existing grade crossings adjacent to the one proposed herein, one being located approximately 700 feet to the north (North Avenue), which is the present State highway crossing, and the other located 300 feet to the south (Golden Avenue), which is more or less of a local street.
2. Traffic is comparatively light and does not justify increasing the number of grade crossings at Lemon Grove, as each new grade crossing constitutes an additional hazard.

3. Public benefits which will result from the construction of the proposed crossing do not justify the expense of constructing same, estimated at \$8,000.
4. The County has not secured the necessary right of way to the east of the railroad to complete the proposed highway extension, of which the grade crossing involved herein is a necessary part.
5. The application was denied by the Commission by its Decision No. 20057, dated July 17, 1928, in Application No. 14550, and highway traffic conditions have not changed subsequent to that time.

The railroad company further urges that if the crossing is authorized, no portion of the expense should be assessed to it.

In weighing the evidence in this record, the conclusion is reached that the public convenience which would obtain, and the necessity for this crossing, outweigh the objections raised to its establishment. In reaching this conclusion due consideration has been given to the fact that this is an unimportant railroad from a traffic standpoint, and on the other hand, the proposed crossing will form a part of a major improvement in an important highway artery serving the southern part of this State. This record is entirely different from that upon which said Decision No. 20057 was based, to the effect that no plan was offered at that time to extend San Diego Avenue to the east of the railroad, as is now proposed as part of the State highway. From the evidence it is reasonable to assume that over 1,000 vehicles will pass over the proposed crossing per day upon the completion of the new section of highway, of which this crossing is a part. To deny this volume of traffic the right to enjoy such an improved highway because of the fact it involves the grade crossing which has been discussed, does not appear to be in public interest. The application will, therefore, be granted.

The record shows there are a number of existing grade

crossings over the railroad to the south of the one proposed herein, for which there is practically no public or private need - reference is made particularly to Crossings Nos. 36D-9.3, 36D-9.5, and 36D-9.9. Since the closing of these crossings is not a matter within the scope of this application or record, this order will not direct the closing of any of these grade crossings. The Commission does, however, in the interest of reducing hazard to both highway and rail traffic by elimination of unnecessary grade crossings, urge that the County of San Diego and the San Diego & Arizona Eastern Railway Company give consideration to the matter of closing these crossings by mutual consent.

O R D E R

A public hearing having been held in the above entitled proceeding, and the matter being now ready for decision,

IT IS HEREBY ORDERED that the County of San Diego, State of California, is hereby authorized to construct San Diego Avenue at grade across the track of the San Diego & Arizona Eastern Railway Company's Lakeside Branch, at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. 36D-10.5.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the San Diego and Arizona Eastern Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of San Diego and Arizona Eastern Railway Company. Said railroad company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.

- (3) The crossing shall be constructed of a width of not less than thirty-six (36) 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 constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) The crossing shall be constructed with an unobstructed view, or provided with an automatic signal, the type of which shall be selected from the standards of the Commission's General Order No. 75-A. Applicant may determine which of these two means of reducing hazard at the crossing shall be provided. By the term "unobstructed view" is meant that, from any point along the center line of San Diego Avenue, extended east, between the west side of Railroad Avenue and the east side of Imperial Avenue, there shall be an unobstructed view of not less than 400 feet of the main line track to both the north and the south. In addition to the above, the crossing shall be protected by a Standard No. 1 crossing sign, as specified in our General Order No. 75-A.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing, and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (7) 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 right and proper, and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 13th day of September, 1937.

Walter A. ...
John ...
Walter A. ...
Walter A. ...
 Commissioners.