

Decision No. 11927

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the matter of the application of)
the City of Venice for a permit to)
cross the tracks of the Pacific Elec-)
tric Railway Company between the lines)
of Milwood Avenue extended across the)
tracks of said Pacific Electric Rail-)
way in the City of Venice.)

Application No. 8710.

C. W. Lyons, City Attorney by Arthur L. Veitch
for applicant.

C. W. Cornell, for Pacific Electric Railway.

BY THE COMMISSION:

O P I N I O N

This is an application by the City of Venice for permission to construct Milwood Avenue at grade across a branch of Pacific Electric Railway Company in Venice.

A public hearing was held upon this application in Venice before Examiner Williams, March 1, 1923.

Milwood Avenue is a residential street extending northerly from Electric Avenue to Lincoln Avenue in the northerly part of the city and it is now desired to construct Milwood Avenue at grade across the railroad and southerly to Washington Boulevard. The railroad over which it is proposed to construct this crossing, is a relatively unimportant line of the Pacific Electric extending in an easterly and westerly direction. There are normally operated over this track, at speeds of about twenty miles per hour, six trains daily except Sunday, in addition to some switching movements. Of

these trains, two are passenger.

The railroad opposes the granting of this application on the ground that public necessity does not justify its installation. Electric Avenue, above referred to, is adjacent and parallel to the railroad on its northerly side. Washington Boulevard also approximately parallels the railroad and is located about one hundred feet southerly therefrom. There are existing grade crossings over the railroad connecting these two streets at California Avenue and Rialto Avenue, these crossings being approximately three hundred feet westerly and easterly, respectively, of Milwood Avenue. There are certain stores and business houses located on Washington Boulevard near the extension of Milwood Avenue and the principal purpose of the proposed crossing would be to give the residents on Milwood Avenue a direct access to these stores. Any traffic to other points must necessarily cross either California Avenue or Rialto Avenue and it would, therefore, seem that, as to such traffic, no inconvenience is occasioned by the use of the crossings of California Avenue or Rialto Avenue. It, therefore, appears that there is in fact no important public convenience or necessity to be served by the construction of the proposed Milwood Avenue crossing.

On the other hand, the hazard of accident at a crossing in this location would be relatively small due to the fact that train movements are infrequent and at slow speeds. It would be possible to construct a crossing with grades of approach not exceeding four per cent and the view would be unobstructed on two corners of the intersection. There is a switch now located at the point of the proposed crossing which it would be necessary to move were the crossing constructed, and witness for the Pacific Electric testified that the cost of the instal-

lation of the crossing including the removal of this switch was estimated at \$2870. This estimate seems somewhat high, but nevertheless it seems that the cost of installing the crossing at Milwood Avenue would probably exceed the benefits to be derived therefrom. Although the financial justification of expending this money should be left to the city, we are faced with the fact that it is the Commission's duty under the spirit of Section 45 of the Public Utilities Act not to permit the construction of any grade crossing that can be reasonably avoided. In spite of the showing that there would not be created a serious hazard at this time it was not shown that public convenience and necessity require the installation of this new crossing, and, therefore, this application should be denied.

O R D E R

The City of Venice having made application for permission to construct Milwood Avenue at grade across the tracks of Pacific Electric Railway Company, a public hearing having been held, the Commission being apprised of the facts, and the matter being under submission and ready for decision,

IT IS HEREBY FOUND AS A FACT, that public convenience and necessity do not require the construction of Milwood Avenue at grade across the tracks of Pacific Electric Railway Company in the City of Venice, therefore,

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 13th day of April, 1923.

O. C. Seavey
H. B. ...
Irving Mastriani
J. Whitting
Commissioners.