



1. That there was no evidence to support the findings and conclusions of the Commission that no necessity existed for the crossings at Maple Drive and Beverly Boulevard.

2. That the evidence does not sustain the finding or conclusion that the danger of these crossings does not warrant grade crossings.

3. The evidence showed that a greater element of danger will exist if these crossings are refused than if they are allowed.

In reviewing the evidence submitted and the Commission's finding in this matter it appears that the above contentions are not based upon the record.

With respect to the first allegation attention is called to the fact that the Commission did not find that no necessity existed for the crossing applied for at Maple Drive and Beverly Boulevard. On the contrary the opinion recites, in the case of Maple Drive, that "the inconvenience, however, of going from the southerly portion of Beverly Hills to the territory near the school by way of the existing crossing at Canon Drive does not appear to be great, and that the hazard of an additional grade crossing at this point would appear to more than offset the relatively slight convenience that would result from its installation." In the case of the Beverly Boulevard crossing, the opinion recites that "the present local necessity and convenience to be served by a crossing at this point does not appear to justify an additional grade crossing."

The above quotations show that the Commission did find that a certain amount of local convenience and necessity exists for the Maple Drive and Beverly Boulevard crossings as applied for, but that public convenience and necessity does not warrant

the hazard incident to the construction of these crossings.

The granting of the crossing at Alpine Drive affords the people residing in the triangle bounded by Burton Way, Santa Monica Boulevard and Doheny Drive an outlet to the business district of Beverly Hills.

With respect to the second allegation, a review of the record, together with due consideration to the contents of the petition, does not show that the Commission's former opinion in this matter should be changed.

Referring to the third allegation, a careful review of the record does not reveal that the evidence supports the contention that a greater element of danger will arise if the Maple Drive and Beverly Boulevard crossings are denied than if they are authorized. Attention is called to the fact that the existing crossings over the Pacific Electric tracks at Canon Drive is protected by a traffic officer during the hours that school children use the crossing. There was no showing that applicant contemplated the providing of such protection at either the Maple Drive or the Beverly Boulevard crossings if installed.

It therefore appears that no new matters are brought to the attention of the Commission which were not fully considered in its prior decision, and the Commission is of the opinion that the reasons set forth in said petition for a rehearing are insufficient, and that said petition for rehearing should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED, that said

