

ORIGINAL

Decision No. 13356.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of the City of Venice for a permit to cross the tracks of the Pacific Electric Railway Co. between the lines of Venice Boulevard extended across the tracks of said Pacific Electric Railway in the City of Venice.

} Application No. 9230.

In the matter of the application of the City of Venice for a permit to cross the tracks of the Pacific Electric Railway Co. between the lines of Milwood Ave. extended across the tracks of said Pacific Electric Railway in the City of Venice.

} Application No. 9462.

In the matter of the application of the City of Venice for a permit to cross the tracks of the Pacific Electric Railway Co. between the lines of Mildred Ave. extended across the tracks of said Pacific Electric Railway in the City of Venice.

} Application No. 9463.

G. E. Acret, City Attorney of City of Venice, for applicant, in Applications No. 9230 and No. 9462.

Clay Robbins, for Applicant in Applications No. 9462 and No. 9463.

R. E. Wedekind, for Pacific Electric Railway Company.

E. E. East, for Automobile Club of Southern California.

BY THE COMMISSION:

O P I N I O N

In the above entitled application the City of Venice

is asking for permission to relocate the grade crossing of Venice Boulevard, and to construct Milwood Avenue and Mildred Avenue at Grade across tracks of Pacific Electric Railway Company, hereinafter sometimes referred to as the railroad.

Public hearings were held on these application in the City of Venice before Examiner Williams, January 18, and continued February 7, 1924. It was stipulated at the time the matter was first called that the three applications should be consolidated for hearing and decision.

In Application No. 9230, the City of Venice asks for an order authorizing the relocation of the existing grade crossing of Venice Boulevard over a track of Pacific Electric Railway Company. Venice Boulevard is a paved highway leading to the center of the City of Venice, which carries a large volume of vehicular traffic. The track involved is a relatively unimportant line known as the Inglewood Branch, over which there are few train movements, practically all of which are freight trains operating at slow rates of speed. The existing crossing is so constructed as to make rather abrupt turns in the boulevard. In this application it is proposed to extend Venice Boulevard easterly across the track in a direct line and thus eliminate the angles in the street. This change would lengthen the crossing over the track as the angle formed by the intersection of the center line of the track and the center line of the street would be changed from approximately sixty-four (64) degrees to seventeen (17) degrees.

It appears that the benefits to be derived by the granting of this application more than offset the objection to a longer crossing, in that the change would permit vehicular traffic to pass over the track in a straight course instead of around a somewhat hazardous turn, which would allow a driver a better opportunity

to observe traffic conditions on the railroad. This change should also tend to improve general traffic conditions on the highway.

Pacific Electric Railway Company is not opposed to the granting of this application providing the City of Venice pay the entire cost connected with making the proposed change which is estimated by the railroad to amount to \$1280. This sum, however, includes the estimated cost of replacing the present track with heavier construction, the existing fifty-six pound rails to be replaced with seventy-five pound steel together with installing new ties and ballast in the track that would be affected by the crossing. Applicant questioned the reasonableness of its being required to bear any expense that might be incurred due to a change in the present track.

The evidence shows that the principal reason the railroad desires to renew the track at the time the new crossing is installed is to reduce future maintenance, which is an expense customarily chargeable to the railroad. From the evidence it appears that public convenience and necessity require the granting of this application, and that applicant should bear all the expense connected with the grading and paving of the crossing, and the expense of any change in the existing track should be assessed to the railroad. It would seem that no protection other than the usual crossing sign is necessary at this time.

In Application No. 9462 the City of Venice is asking permission to construct Milwood Avenue at grade across the Inglewood branch of the Pacific Electric at the junction point of the connecting track to the Venice "Short Line", located approximately fourteen hundred feet westerly from the crossing at Venice Boulevard covered by Application No. 9230 above considered.

Application No. 9462 is for the same crossing as that covered in Application No. 8710, filed with the Commission February

20, 1923, which was denied by the Commission's order in its Decision No. 11927, dated April 13, 1923. However, subsequent to the time of the hearing on Application No. 8710 the City of Venice has been zoned. In the new zoning plan, lots on the north side of Washington, Boulevard, adjacent to Milwood Avenue, have been closed as business property. The evidence also shows that there has been considerable building during the past six months north of the proposed crossing on Milwood Avenue, which is essentially a residential street, and that vehicular traffic on this street is steadily increasing between Electric Avenue and Lincoln Boulevard. It is evident that the granting of this application will be of material benefit to southbound traffic on Milwood Avenue desiring to reach Washington Boulevard, in that it will eliminate two turns and will also shorten the distance for traffic desiring to get to points in the vicinity of Milwood Avenue and Washington Boulevard. The train movement over this line as indicated above is infrequent and at slow rates of speed, which makes the crossing less hazardous than is the case of the ordinary grade crossing.

No serious objections to the granting of this application were presented. An estimate prepared by the railroad shows the cost of the proposed crossing to be \$2870. As in the estimate for the proposed Venice Boulevard crossing, referred to above, this sum provides for replacing the existing fifty-six pound rails with seventy-five pound steel and renewing and ballasting the track together with relocating the junction of the two lines so the switch will not be in Milwood Avenue extended. As outlined above it would seem equitable that the Pacific Electric should bear all expenses connected with renewing or changing the tracks other than the expense of relocating the switch which should be assessed to the city.

After considering all the evidence in this matter, it appears that public convenience and necessity require the granting

of this application. No protection other than the usual crossing signs appears to be necessary at this time.

In Application No. 9463 the City of Venice is asking permission to construct Mildred Avenue at grade across Pacific Electric Railway Company's so-called "Venice Shore Line". Applicant testified that the name of this street has been changed from Mildred Avenue to Eighteenth Avenue, the latter appearing on the new maps of the city. Hereinafter this street will be designated as Eighteenth Avenue.

Eighteenth Avenue (Mildred Avenue) in the vicinity of the proposed crossing is a forty foot street running in an easterly direction from the business center of the City of Venice. The street is not open to traffic from Virginia Avenue to Center Street, a distance of approximately three hundred and seventy-five feet, and it is within this distance that the proposed crossing would be located. However, immediately east of the railroad Eighteenth Avenue has recently been paved. The evidence shows that the opening of this avenue across the railroad would serve a certain convenience to the residents of a district to the southeast of the proposed crossing. In going to and from the business district of Venice at present, parties that would be benefitted by the granting of this application are required to travel westward on Virginia Avenue to the Speedway, thence north along the speedway to the center of the city, which is a more indirect route than it would be to follow Eighteenth Avenue. The only grade crossing involved in this route, however, is an unimportant track of Pacific Electric Railway Company on Pacific Avenue. The granting of this application would also be of convenience for traffic to and from the district in the vicinity of the Venice Grammar School at Washington Boulevard and Westminster Avenue. It was also pointed out that Eighteenth Avenue, if opened, would undoubtedly attract considerable through traffic to the territory east of the city.

The train service on the Venice Shore Line amounts to one hundred and fourteen regular passenger trains through the week with two extra trains on Saturday and ten on Sunday. In addition to the passenger service, there is some freight moved over the line. There is at present a flag stop adjacent to the proposed crossing; passenger trains that do not stop to discharge or take on passengers at this point, pass at high rates of speed.

The fact that the opening of Eighteenth Avenue across the railroad would undoubtedly attract considerable vehicular traffic over a high speed railroad, even under favorable physical conditions would in itself create a public hazard of considerable magnitude. Virginia Avenue presents a serious objection to the proposed crossing. This paved highway runs adjacent to the railroad right of way on the south side thereof and carries considerable vehicular traffic. The intersection of two heavily traveled highways adjacent to a grade crossing over a high speed railroad, makes a very hazardous condition. During times of congestion at such an intersection, vehicular traffic may be blocked on the tracks which produces an extremely hazardous condition, especially during times when the view of trainmen may be impaired due to unfavorable weather conditions or other causes. Another feature that adds to the hazard of a grade crossing at this point is the fact that Eighteenth Avenue would cross the railroad at such an angle as to require sharp turns for that portion of the vehicular traffic that turns out of Virginia Avenue from the west.

From a consideration of the foregoing and all the evidence in this record, it appears that the conditions at this location are such that the only form of crossing that should be permitted is one in which the grades would be separated. The physical conditions here, however, do not lend themselves readily to such a grade separation due both to adjacent street intersections and drainage

conditions. The railroad company's freight line located along the north side of and parallel to Eighteenth Avenue adds to the physical difficulty that would be encountered. The expense of such a grade separation, therefore, would be large.

Pacific Electric Railway Company and the Automobile Club of Southern California oppose the granting of this application on the ground that public convenience and necessity do not warrant the hazard incident to the construction of a grade crossing at this location.

After due consideration of all of the evidence, it appears that the public convenience and necessity to be served by the installation of a grade crossing at Eighteenth Avenue do not justify the public hazard that would be created thereby. This application, therefore, should be denied.

#### O R D E R

The City of Venice, a municipal corporation of the sixth class in the County of Los Angeles, State of California, having applied to this Commission for an order authorizing the relocation of Venice Boulevard and the construction of Milwood Avenue and Mildred Avenue at grade across the tracks of Pacific Electric Railway Company in said City of Venice, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the City of Venice be and it is hereby authorized to relocate Venice Boulevard across a track of Pacific Electric Railway Company in the location shown on the map attached to Application No. 9230, and to construct Milwood Avenue at grade across a track of Pacific Electric Railway Company

in the location shown on the map attached to Application No. 9462; said crossings to be relocated and constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with relocating the switch in Milwood Avenue, excepting any expense incurred due to renewing or bettering the track that is to remain in the crossings, shall be borne by applicant. The cost of their maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossings between lines two (2) feet outside of the outside rails shall be borne by Pacific Electric Railway Company. The expense of any track renewals or betterments to tracks that are to remain in the crossings, shall be borne by Pacific Electric Railway Company.

(2) The crossings shall be constructed of a width not less than twenty-four (24) feet and with grades of approach not greater than two per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(5) 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,



the public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED, that Application No. 9463 asking permission for the construction of a grade crossing at Mildred Avenue or Eighteenth Avenue, be and it is hereby denied.

Dated at San Francisco, California, this 7<sup>th</sup> day  
~~of March,~~ <sup>April</sup> 1924.

C. Healey  
H. B. Sandige  
Egerton Shore  
J. D. Whittelsey  
Commissioners.