

Decision No. 23717.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
 City of Hawthorne, California, a Muni-
 cipality, for an Order Authorizing the
 Installation of Highway Crossings across
 the Railroad of the Pacific Electric
 Railway Company in said City.

ORIGINAL

Application No. 17234.

F. A. Jones, Mayor of Hawthorne, for
Applicant.

C. W. Cornell, for Pacific Electric Rail-
way Company, Protestant.

CARR, COMMISSIONER:

O P I N I O N

The City of Hawthorne has petitioned the Commission for authority to construct Delaware Avenue and Hawthorne Way (Plaza Square) at grade across the track of Pacific Electric Railway Company, to relocate the grade crossing of New York Avenue and to widen the grade crossing of Carolina Avenue in said city.

A public hearing on this application was held in Los Angeles on May 7th, 1931, at which time the matter was duly submitted.

Pacific Electric Railway Company's single track Redondo Beach via Hawthorne Line, extending in a general north and south direction through the City of Hawthorne, is constructed in private right of way between the two parallel roadways of Hawthorne Avenue. The streets involved in this proceeding extend in a general east and west direction, or at right angles to the railway company's right of way.

Delaware Avenue, at the present time, is constructed on either side of Hawthorne Avenue but is not constructed across the railway company's track. The frontage along Hawthorne Avenue in the vicinity of Delaware Avenue is devoted to business purposes. The territory along Delaware Avenue east of Hawthorne Avenue is fairly well developed residentially.

The nearest crossing to the north of Delaware Avenue is New York Avenue, a distance of one-quarter mile, while the nearest crossing to the south is Rosecrans Avenue, a distance of one-quarter mile.

The record shows that there is a fair amount of intercommunication of traffic desiring to reach one or the other roadways of Hawthorne Avenue at Delaware Avenue, which traffic is required to drive one-half mile for such purpose.

The railway company's track at Delaware Avenue is approximately two feet above the easterly roadway of Hawthorne Avenue and one and one-half feet above the westerly roadway of said avenue. To construct a crossing at Delaware Avenue without lowering the track or raising the roadway of Hawthorne Avenue, would establish a westerly approach grade of approximately 10 per cent. An approach gradient of 10 per cent is not conducive to safe travel and good engineering practice would dictate that a gradient not in excess of 5 per cent should be required. The city proposes to pave the approaches to the Delaware Avenue crossing with oil macadam to a width of 40 feet, which type of paving would require a crossing equal or superior to Standard No. 2, as specified in this Commission's General Order No. 72.

New York Avenue, east of Hawthorne Avenue, is approximately 100 feet south of New York Avenue west of Hawthorne Avenue. The present crossing over the railway track, 20 feet wide and in poor condition, is located north of New York Avenue west, so that neither

street is in alignment with the crossing. The city requests permission to relocate the crossing, so as to be in direct alignment with New York Avenue east, and to widen same to correspond with the width of the street. The record shows that the present New York Avenue crossing has been used by the public in excess of ten years and that its present width is inadequate. Inasmuch as this is an existing crossing of inadequate width and in poor condition, it appears reasonable to permit it to be relocated and widened and that the cost of same be apportioned in accordance with the usual policy, which provides that the railroad bear the cost of constructing that portion of the crossing located between the rails and two feet outside thereof, and the city the remainder.

The crossing at Carolina Avenue east over the railway company's track is 24 feet in width, while the street between property lines is 60 feet in width. The city now desires to widen the crossing to conform to the width of the street. Applicant contends that the width of the present crossing is inadequate and is hazardous, inasmuch as it is not in conformity to the width of the street. The Carolina Avenue crossing was granted by the Commission's Decision No. 3466, dated June 28th, 1916, on Application No. 2353. This crossing having been in existence for approximately 15 years, it would appear reasonable to apportion the cost of widening in accordance with the usual policy.

Hawthorne Way (Plaza Square), extending in a general east and west direction, is constructed through Hawthorne Circle between Hawthorne Avenue and Birch Avenue, a distance of two short blocks. In Hawthorne Circle are located a theatre, the City Hall, Fire Department and Police Department buildings. Ballona Avenue, parallel to and approximately 250 feet south of Hawthorne Way, is an improved street and is constructed across the railway company's track. The

track at Ballona Avenue was lowered at the time the crossing was opened, so as to provide light approach grades, and the crossing is protected by a Standard No. 3 wigwag.

It appears that the city desires to open Hawthorne Way across the railroad track, so that southbound traffic, desiring to enter Hawthorne Avenue from Hawthorne Way, would not be required to drive south on the easterly roadway of Hawthorne Avenue to Ballona Avenue before crossing to the westerly roadway of Hawthorne Avenue. The necessity of this crossing for use of the fire and police departments was stressed. An exit from Hawthorne Circle enters Ballona Avenue at a point approximately 250 feet east of Hawthorne Avenue, so that it is possible for southbound traffic to reach Hawthorne Avenue by means of this exit and Ballona Avenue with practically no inconvenience.

After carefully considering all of the evidence in this proceeding, it is concluded that public convenience and necessity require the opening of Delaware Avenue at grade across Pacific Electric Railway Company's track; the relocation and widening of the New York Avenue crossing; and the widening of the Carolina Avenue crossing; and do not require the opening of Hawthorne Way across the railroad track.

The following form of order is recommended.

O R D E R

A public hearing having been held on the above entitled proceeding, the matter having been submitted, and the Commission being fully advised,

IT IS HEREBY ORDERED that the City Council of the City of Hawthorne, State of California, is hereby authorized to construct Delaware Avenue at grade and to relocate and widen New York Avenue and widen Carolina Avenue across the track of Pacific Electric Rail-

way Company at the locations set forth in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions, and not otherwise:

- (1) The above crossings shall be identified as follows:

Caroline Avenue - Crossing No. 6RD-14.71
New York Avenue - Crossing No. 6RD-15.02
Delaware Avenue - Crossing No. 6RD-15.25

- (2) The entire expense of constructing crossing No. 6RD-15.25 shall be borne by applicant. The expense of widening crossings Nos. 6RD-14.71 and 6RD-15.02, between the rails and two feet outside thereof, shall be borne by Pacific Electric Railway Company and the cost of widening outside of lines two (2) feet outside of the rails shall be borne by applicant. The cost of maintenance of those portions of said crossings outside of lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the rails shall be borne by Pacific Electric Railway Company
- (3) The crossings herein authorized shall be constructed of widths to correspond to the widths of the streets and in each case at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by Standard No. 1 crossing signs, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Prior to the beginning of actual construction of crossing No. 6RD-15.02, herein authorized, the City of Hawthorne shall file with this Commission a certified copy of an appropriate ordinance or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public grade crossing in the vicinity of New York Avenue and identified as crossing No. 6RD-14.98. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said crossing No. 6RD-14.98 shall be legally abandoned and effectively closed to public use and travel.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion

of the installation of said crossings, 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 crossings, as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that the above entitled application, in so far as it relates to Hawthorne Way (Plaza Square), is hereby denied.

The effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 18th day of May, 1931.

C. L. Seavey

W. A. Cunn

W. B. Kinn

Fred G. Stewart

Commissioners.