

ORIGINAL

Decision No. 1748

Decision No.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
the CITY OF LONG BEACH, a municipal)
corporation, for a street crossing)
at grade across the tracks of the)
Pacific Electric Railway Company, at)
the intersection of American Avenue)
East and American Avenue West and)
Fourteenth Street.)
.....)

Application No. 1234.

George F. Kapp, City Attorney, for the City of Long Beach,
Frank Karr, for the Pacific Electric Railway Company.

GORDON, Commissioner.

O P I N I O N

This application, by the City of Long Beach, for a street crossing at grade across the tracks of the Pacific Electric Railway Company, at the intersection of American Avenue East and American Avenue West and Fourteenth Street, was filed with the Commission on July 13, 1914. Following the Commission's usual procedure in such cases an examination of the crossing was made by the engineering department. The department reported that in its opinion public convenience, brought about by its construction, would not offset the increased hazard to human life, which it would create. It was pointed out by the engineering department that while this crossing is not particularly dangerous, every grade crossing over a high-speed line increases to some extent the danger and also that to the south of Fourteenth Street, a distance of about four hundred (400) feet, Anaheim Street is open, and to the north, a distance of about twelve hundred (1200) feet, Sixteenth Street is open.

A hearing was held at Long Beach on August 10, 1914, when both the City of Long Beach and the Pacific Electric Railway

Company were represented by counsel. Testimony from a number of interested parties was taken, and an inspection of the crossing was made. I am inclined to agree with the engineering department's report that every new grade crossing represents an additional point of danger, and that this particular crossing is not an absolute necessity to the City of Long Beach. An inspection of the crossing and the territory that would be served by it convinces me, however, that a paved street across the right of way of the Pacific Electric Railway Company at that point will be a great convenience to the large and growing population residing in that portion of the city. Fourteenth Street, on both sides of the electric road, is now a better constructed street than either of the next crossings to the north and south. The street is in fact paved up to the tracks of the Pacific Electric Railway Company, the curb is put in, and there remains to be done only the paving between the rails to make the crossing complete. The city proceeded with this work after the railway company had granted an easement for the crossing of its right of way, fully expecting that the Commission would not withhold its consent to the crossing. The view of the Pacific Electric Railway Company's tracks in both directions is unobscured, and I do not find that this location is an especially dangerous one. It is not practicable to effect a separation of grades at this point. The right of way of the Pacific Electric Railway Company to the north and south of Fourteenth Street is not fenced and pedestrians in going from one side of American Avenue to the other can, and do, cross the railway company's tracks at will. The construction of this crossing, therefore, may in a measure localize these crossing movements and result in an improvement of the situation as far as the danger for pedestrians is concerned. The crossing is inside the city limits of Long Beach, and will be an added convenience for such passengers

using the local street cars as wish to get on and off cars at Fourteenth Street and cross from one side of the track to the other. The Pacific Electric Railway Company has also made arrangements to stop all of its through and limited trains at this point.

In view of these facts I recommend that permission for the construction of this crossing be granted by the Commission, and submit herewith the following form of order.

O R D E R

The CITY OF LONG BEACH, a municipal corporation, having on July 13, 1914 filed with the Commission an application for permission to construct a street crossing at grade across the tracks of the Pacific Electric Railway Company, at the intersection of American Avenue East and American Avenue West and Fourteenth Street, in the City of Long Beach, Los Angeles County, California; and the applicant having secured an easement from the Pacific Electric Railway Company, as of date February 10, 1914, granting permission to make said crossing at grade; and a public hearing having been held; and it further appearing that it is not reasonable nor practicable to avoid grade crossing with said tracks, and that the application should be granted subject to the conditions hereinafter specified;

IT IS HEREBY ORDERED, That permission be hereby granted the City of Long Beach, Los Angeles County, California, to construct at grade the crossing hereinabove referred to, and as shown by the map and profile attached to the application, subject to the following conditions, viz:

(1) The entire expense of constructing the crossing, and the expense of its maintenance on each side of the tracks and up to within two (2) feet thereof, shall be borne by the applicant.

(2) The expense of maintaining the crossing over the tracks and to a distance of two (2) feet on each side thereof, shall be borne by the Pacific Electric Railway Company.

(3) Said crossing shall be paved, and of a class of construction equal to that used on Fourteenth Street, in the City of Long Beach, Los Angeles County, California.

(4) 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.

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 26th day of August, 1914.

H. S. Loveland

Max Thelen

Edwin Q. Edgerton

Commissioners.