

Decision No.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

ORIGINAL

In the matter of the application of the BOARD OF SUPERVISORS of Los Angeles County, California, for permission to install a grade crossing over the tracks of the Pacific Electric Railway Company at the intersection of American Avenue and Burnett Street, near the City of Long Beach.

Application No. 1716.

- W. E. Hinshaw and Hugh Gordon for Board of Supervisors.
- Wilber F. Downs, for City of Long Beach.
- Frank Karr, for Pacific Electric Railway Company.

GORDON, Commissioner,

OPINION

In this application the Board of Supervisors of Los Angeles County, California asks the Commission's permission for the installation and maintenance of a crossing at grade over the private right of way and the double track of the Pacific Electric Railway Company at the intersection of American Avenue and Burnett Street, near the City of Long Beach, Los Angeles County, California.

The Pacific Electric Railway Company objects to the construction of a grade crossing at this point and is unwilling to grant to the county an easement over its right of way.

The applicant recites in general that the interests of the traveling public in the county require this construction, but otherwise gives no reasons why public necessity and convenience demand this crossing.

The situation here is unusual inasmuch as Burnett Street, the public road which it is desired to extend over the tracks of the railroad, at present lies wholly within the city limits of Long Beach, and the county has no jurisdiction over this street. The application is nevertheless made by the county for the reason that the crossing, if granted, will be outside of the

city limits and in the unincorporated portion of the county. An inspection of the map accompanying the application will make this clear. The right of way of the Pacific Electric Railway Company and American Avenue, a public highway running parallel with the railway on both sides of the tracks, form a narrow strip of territory 124 feet wide, extending for a distance of over half a mile into the city of Long Beach. The extension of Burnett Street, where it crosses this strip, will therefore lie outside the jurisdiction of the city.

It is apparent that the crossing will not benefit the county road travel, but is asked solely in the interest of certain residents of the city of Long Beach whose properties are located in the immediate neighborhood of this proposed crossing. Burnett Street is not a through street in any sense of the word. To the east of the proposed crossing it is open for only a few blocks and to the west of the railroad's right of way this street ends in open fields and the slough of the Los Angeles River. This slough is overgrown with willow brush and flooded during the rainy season of the year; and it was testified at the hearing that the extension of this street in either direction was not contemplated at this time.

A quarter of a mile to the north of the proposed crossing Willow Street is open across the Pacific Electric Railway Company's right of way, and an equal distance to the south of Burnett Street there is another grade crossing at Hill Street. As stated heretofore, an improved county highway parallels the Pacific Electric Railway Company on both sides of the right of way and establishes very good connections in a north and south direction. The current of road traffic parallels the current of railway traffic, and is distinctly north and south rather than east and west across the tracks of the Pacific Electric Railway Company. This is true altogether of the heavy automobile travel between Los Angeles and Long Beach and also of the merchandise delivery travel

between Long Beach and this neighborhood. The land tributary to the crossing is at this time but sparsely built up, and the convenience of not more than a dozen families is in question. These families do not, in my opinion, suffer any hardship now because of the lack of this crossing.

The Commission, therefore, finds itself confronted here with one of the numerous cases where the problem of public necessity and convenience must be weighed against the problem of added risk and hazard to the operation of the railroad and against the danger to human life. The evidence shows that in the present case frequent high-speed service must be maintained over a double track roadbed and that more than three hundred trains would run over this grade crossing every day.

The Commission is not unmindful of the fact that grade crossings under present conditions cannot be avoided and that permission will have to be given in the future for the construction of new ones; but in this instance it is my opinion that the need at this time for this crossing is not nearly great enough to warrant the Commission in placing it before the safety of the public and of railroad operation. If in the future this neighborhood builds up and the population increases, it may well be that the construction of Burnett Street across the railroad will become a real necessity.

It is my recommendation that this application be denied, and I submit the following form of order.

ORDER

BOARD OF SUPERVISORS of Los Angeles County, California, having filed its application with the Commission for permission to construct Burnett Street, a public highway, at grade across the

private right of way and the double track of the Pacific Electric Railway Company at the intersection of American Avenue and Burnett Street, near the City of Long Beach, in Los Angeles County, California; and a public hearing having been held at which all interested parties were present; and it appearing to the Commission that the public convenience and necessity do not require the granting of this application and that the construction of a grade crossing at the point indicated would be against public policy and not in the best interests of the City of Long Beach and of the County of Los Angeles;

IT IS HEREBY ORDERED, That the same be and is hereby denied without prejudice.

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 24th day of September, 1915.

Max Thelen

H. B. ...

Alex G. ...

Edwin O. Edgerton

Frank ...

Commissioners.