

Decision No. ✓

ORIGINAL

Decision No. 3199

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 two street crossings) Application 1996.  
over the Pacific Electric Railway )  
Company's tracks in said city. )  
.....

George L. Hoodenpyl, for applicant.

W. R. Miller, for Pacific Electric Railway Company.

GORDON, Commissioner.

O P I N I O N.

This application was filed with the Commission on December 6, 1915, and looks to the opening of two streets, 39th Place and Termino Avenue over the track of the Pacific Electric Railway Company, in the City of Long Beach.

These two proposed crossings will be within six hundred feet of each other and at the extreme east side of the City of Long Beach, Termino Avenue being east of 39th Place. The tracks at this point run in a general east and west direction and the two streets which it is proposed to extend across the tracks are approximately North and South Streets. The crossing at 39th Place will connect that street south of the tracks with Grand Avenue to the north. Immediately north of the tracks and parallel to them is Livingston Drive. South of the tracks and parallel to them at Grand Avenue, and about two hundred feet south of them at Termino Avenue is Ocean Avenue.

At the present time the nearest open crossing to the east is two miles or more distant and to the west several blocks. Virginia Avenue three hundred feet west of 39th Place is legally a public street, although it has never been opened and improved so traffic can use it. There is at present an open crossing

at 39th Place which has been used by the public for at least eleven years, but the City of Long Beach desires to widen and improve it and wishes title to the property involved and an unquestioned legal right to make improvements and keep the street open.

The Pacific Electric Railway Company has granted the City an easement for the necessary property and although I am reluctant to recommend granting permission for the construction of crossings so close together as six hundred feet, in view of the peculiar circumstances existing it seems only reasonable that it should be done here. A new pier has recently been constructed at 39th Place at such an elevation that it cannot be reached from any other Street south of Ocean Avenue, while Termino Avenue is the only street to the beach. In other words, one of these streets is needed to make the pier accessible and the other to take traffic to the beach, and neither street will serve both purposes.

Both crossings are comparatively open but on account of the heavy traffic at 39th Place on both the tracks and the highway some protection will probably be needed. If the plan of the City is carried out Ocean Avenue and Livingston Drive will be connected at 39th Place by a crossing which will unite the two streets in such a manner that the tracks will practically be in the center of a wide paved street and until this improvement is made and observations are taken as to the direction of traffic at the crossing, it will be impossible to determine the best location for such protection as may be needed. I believe, therefore, that the Commission should at this time order no protection except the usual crossing sign, but should reserve the right to order more ample protection in the future and apportion its expense as it deems just.

Virginia Avenue which is a legal street but has not been opened should be legally closed and abandoned as a public highway crossing.

I recommend the following form of order:-

O R D E R

CITY OF LONG BEACH, having applied to the Commission for permission to construct 39th Place and Termino Avenue at grade across the tracks of Pacific Electric Railway Company, and a public hearing having been held, and it appearing that this application should be granted subject to certain conditions to be hereinafter specified,

IT IS HEREBY ORDERED, that permission be and the same hereby is granted the City of Long Beach, to construct 39th Place and Termino Avenue at grade across the tracks of the Pacific Electric Railway Company at the points shown by the map attached to the application; said crossings to be constructed subject to the following conditions and not otherwise, viz.:-

(1) Crossings shall be constructed of a width of not less than twenty-four (24) feet, with grades of approach not exceeding four (4) per cent, shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing these crossings shall be borne by applicant.

(3) The expense of maintaining these crossings thereafter in good and first class condition shall be borne by the applicant to within two (2) feet of the rails of the Pacific Electric Railway Company. The expense of maintaining the crossings between the rails and to a distance of two (2) feet

outside thereof shall be borne by Pacific Electric Railway Company.

(4) The crossing of Virginia Avenue shall be legally closed and abandoned as a public highway crossing.

(5) The Commission reserves the right to order such further protection for the 59th Place crossing as it believes desirable and to apportion the expense thereof between the applicant and Pacific Electric Railway Company in such manner as it may deem to be equitable.

(6) 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, 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 28th day of March, 1916.

Max Thelen

H. H. Howard

Chas. Gordon

Edwin D. Edgerton

Frank R. Robin

Commissioners.