

Decision No. 6144

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the CITY OF REDONDO BEACH, California,
for an order authorizing the construc-
tion of a public highway at grade across
the tracks of the Atchison, Topeka and
Santa Fe Railway Company and across the
tracks of the Pacific Electric Railway
Company at the southerly terminus of
Hermosa Avenue at Redondo Beach (Supple-
mental application for re-hearing).
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Application No. 1253.

Frank L. Perry, City Attorney, for the City of
Redondo Beach.

M. W. Reed, for the United States Railroad Ad-
ministration, Walker D. Hines, Director General
of Railroads, (Atchison, Topeka and Santa Fe
Railway Company).

E. E. Morris, for the Pacific Electric Railway
Company.

BRUNDIGE, Commissioner.

FIRST SUPPLEMENTAL OPINION

In this supplemental application the City of Re-
dondo Beach asks for a re-hearing and for a modification of
the Commission's Decision No. 1768, rendered on September 1,
1914. In that decision the Commission granted permission to
the City of Redondo Beach to construct Hermosa Avenue at grade

across the tracks of the Atchison, Topeka and Santa Fe Railway Company and the tracks of the Pacific Electric Railway Company under certain conditions set forth in the decision. Condition No. 1 reads as follows:

"(1) The crossing over the Santa Fe main line and side tracks immediately northwesterly of the proposed crossing and known as the Benita Avenue crossing, shall be discontinued and abandoned."

The City now asks that the paragraph just quoted be eliminated from the decision but that in all other respects the original order be allowed to stand.

A hearing was held at Redondo Beach on the 3d inst., an inspection of the situation was made on the ground, and testimony was heard from the three interested parties.

It appears that the construction of Hermosa Avenue across the tracks in question has not yet been undertaken by the City and that conditions at this time remain as they were in September, 1914, when the original decision was rendered. It also appears that in May, 1918, the Board of Trustees of the City of Redondo Beach undertook the necessary legal steps towards the closing of the Benita Avenue crossing as ordered by the Commission and that because of the protests of certain property owners residing in this vicinity the application for a re-hearing was made.

After going over the ground and after reviewing the testimony introduced at the hearing in the supplemental application, I find that but little can be added to the facts as they are set forth in Decision No. 1768. Witnesses for the City point out that the traffic on the Santa Fe tracks is con-

siderably less now than it was in 1914 and that therefore the crossing at Benita Avenue is less dangerous at this time than it was when the Commission rendered its original decision. The representatives of the Santa Fe admit this but explain that this condition is the result, in part at least, of the traffic re-arrangements brought about by reason of the Federal operating control of the railroads, and that an increase of the traffic must be looked forward to at this point in the future.

It is admitted, on the other hand, that automobile travel is steadily on the increase. There is no doubt in my mind that the safest and most convenient channel for such traffic will be provided by the extension of Hermosa Avenue in the manner proposed by the City in its original application. As to a choice between the Hermosa Avenue crossing and the Benita Avenue crossing, the testimony is unanimous that the former is the proper solution of the traffic problem.

The question before the Commission, then, is whether there should be one grade crossing at this point (the condition existing at present) or whether there should be two. I am satisfied that there can be no justification for two grade crossings within less than two hundred feet of each other if one can possibly be made to serve public necessity and convenience. The extension of Hermosa Avenue will accomplish this end. It was testified by witnesses for the City that in the case of both crossings being kept open, seven eighths of the automobile traffic will go across Hermosa Avenue and only one-eighth across Benita Avenue.

The chief point of objection to the Hermosa Avenue crossing (with the Benita Avenue crossing closed) will be the sharp-angled turn that will have to be made by automobiles coming southerly on Hermosa Avenue and desiring to turn northerly on Pacific Avenue after crossing the railroad tracks in question, and by traffic in the opposite direction. This objection, it appears to me, can be overcome, in part at least, by rounding off the southerly corner of the triangle of Santa Fe property lying between Hermosa Avenue, Pacific Avenue and Benita Avenue. This will be a matter of small expense, and if it is done, automobile traffic conditions will be better than they would be if both crossings were kept open.

While the testimony of witnesses for the City was by no means unanimous in favor of the modification of the order as asked for in the application, the representatives of both the railroads involved protested against a modification of the Commission's order and asked that the decision be left as it stands. The Counsel for the Santa Fe called attention to a clause in that Company's deed to the City of Redondo Beach granting the City an easement for the Benita Avenue crossing, which clause provides for the closing of Benita Avenue if Hermosa Avenue is ever in the future opened across the Santa Fe tracks. He gave notice that his Company would take steps to enforce this provision in case the Commission modified its order as prayed for by the applicant. He declared the Company's willingness, on the other hand, to grant the City a free easement for the Hermosa Street crossing and gave it as an estimate that the 19,000 square feet of Santa Fe property

involved had a real estate value of approximately \$20,000.

I am not persuaded that public convenience and necessity demand the continuance of the Benita Avenue grade crossing if Hermosa Avenue is extended as proposed by the City. I am also satisfied that two grade crossings in such close proximity would constitute a menace to the safety of the users of both the highways and the railroads. For these reasons I recommend to the Commission that the original order be allowed to stand and that the supplemental application for a modification of Decision No. 1768 be dismissed.

I submit the following order:

FIRST SUPPLEMENTAL ORDER

THE CITY OF REDONDO BEACH, California, having on January 23, 1919, filed with the Commission an application for a re-hearing in this proceeding and for a modification of the Commission's Decision No. 1768, a hearing having been held and it appearing to the Commission that the application should be denied for the reasons set forth in the foregoing First Supplemental Opinion;

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

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Com-

mission of the State of California.

Dated at San Francisco, California, this 25th
day of February, 1919.

Edwin O. Egerton

H. J. Boardman

Frank R. Dyer

H. A. Boardman

Irving Martin

Commissioners.