

Decision No. 974

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of the City of Venice, a municipal corporation of the sixth class, for permission to cross over the tracks of the Pacific Electric Railway Company over the lines of Center Street as the same would extend if said street were straightened, as shown by the sketch attached to this application.

Application No. 7023.

Clay Robbins for Applicant.
C. W. Cornell for Pacific Electric Company.

By the Commission:

O P I N I O N

This is an application by the City of Venice for permission to re-locate the crossing of Center Street over the tracks of the Pacific Electric in order to construct Center Street in a more nearly straight line across the railroad.

A public hearing was held on the application in the City of Venice before Examiner Williams.

Center Street extends southwesterly from the beach at Venice to the Pacific Electric Railway and is at present connected across the railroad to Venice Boulevard in a manner requiring the street traffic to make two awkward turns. The line of Center Street, if extended northeasterly, would nearly coincide with Venice Boulevard (formerly known as St. Mark's Boulevard) which, at this point, is the main thoroughfare to Los Angeles. This Boulevard does not extend southwesterly across the Pacific Electric but curves to the west, parallel-

ing and adjacent to the railroad on the north. The tracks at the crossing are not main line tracks, there being no regular scheduled service, and are not important. This line was formerly over the main line and constructed before there was any road at the present crossing.

There are trees along the northerly side of the railroad on each side of the present crossing from Center Street to Venice Boulevard with the result that the view is somewhat obscured and the crossing somewhat hazardous. The extension of Center Street of Center Street in a more direct line northeasterly into the Venice Boulevard, as proposed, would in itself provide a clearer view, but additional trees should be removed for at least the distance of 250 feet each side of the proposed crossing, under which conditions the new crossing would be much better than the existing crossing. There appeared to be no dispute among the parties at interest as to the public necessity and convenience of re-locating this crossing, and the Pacific Electric Railway gave its consent on the condition that the City of Venice pay the initial cost of the installation in accordance with the following estimate, which was submitted:

Clearing and grading for crossing -	\$150.00
Removing old crossing -	300.00
Oil Macadam paving -	2,000.00
Moving span poles -	80.00
Contingencies -	250.00
Replacing 4½ inch rail with 5 inch rail,-	<u>500.00</u>
Total,	\$3,280.00

The City of Venice questioned the reasonableness of this estimate, particularly the item of \$2,000.00 for oil Macadam paving, stating that the City would be in a position to perform this work at a considerable less cost, due to the fact that they have equipment and facilities available. The engineering department of the Commission concurred in this contention of the City and further expressed the opinion that

the item of \$500. for rail renewal was not a proper charge to be assessed against the City for the reason that a satisfactory crossing in the new location could, in its opinion, be constructed without this rail renewal and the only advantage in putting in the heavier rail would be to reduce the future burden of maintenance customarily chargeable to the railroad.

The Pacific Electric also requested that the order in this application contain a provision that the City of Venice deposit the estimated cost of the work with the railroad prior to its being undertaken. The manner of collection of such obligations is definitely provided for by statute and it does not seem necessary or desirable that this request be acceded to.

O R D E R

The City of Venice having applied for permission to relocate Center Street across the tracks of the Pacific Electric Railway Company, a public hearing having been held and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission be and it is hereby granted the City of Venice to extend Center Street across the tracks of the Pacific Electric Railway in the location shown on the print attached to the application, said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing, except any expense incident to rail renewal or track reconstruction, shall be borne by the applicant. The City of Venice may, at its option, install the necessary paving. The cost of maintaining the crossing up to a line two feet outside the rails shall be borne by the applicant. The cost of maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by the Pacific Electric Railway Company.

(2) The crossing shall be constructed of a width not less than thirty (30) feet and at an angle of thirty-seven (37) degrees to the railroad and with grades of approach not greater than 2%, shall be protected by a suitable crossing sign and shall, in every way, be made safe for the passage thereover of vehicles and other road traffic.

(3) The present crossing of Center Street, located approximately 50 feet westerly from the proposed crossing shall be legally abandoned and closed to public travel.

(4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of said crossing as it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 4th day
~~of October,~~ ^{November} 1921.

H. B. Brundage
A. D. Woodard
W. W. Watson
J. F. Smith
Commissioners.