

Decision No. 26821.

ORIGINAL

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 the construction of a crossing of the right of way of the Pacific Electric Railway Company at Roswell Avenue, a public street, in the City of Long Beach, County of Los Angeles, State of California.

Application No. 19005.

Harlan V. Boyer, for Applicant.

C. W. Cornell, for Pacific Electric Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The City of Long Beach filed the above entitled application seeking authority to construct Roswell Avenue at grade across the tracks of the Pacific Electric Railway Company, in the said City of Long Beach, County of Los Angeles.

A public hearing on said application was conducted by Examiner Hunter, at Long Beach, on October 13, 1933, at which time the matter was duly submitted.

Roswell Avenue, extending in a northerly and southerly direction, is constructed between Livingston Drive and Anaheim Street, a distance of approximately one and one-half miles, except for the strip across Pacific Electric Railway Company's right of way, which the city seeks to open in this proceeding. The Pacific Electric Railway Company's Newport Line, which is involved herein, extends

in a general northwesterly and southeasterly direction in the vicinity of the proposed crossing. Ximeno Avenue and Termino Avenue are parallel to and one block east and one block west, respectively, from Roswell Avenue and are constructed at grade across the tracks of the Pacific Electric. Seventh and Eighth Streets, extending in an easterly and westerly direction, are constructed at grade across said tracks, the crossings being approximately 350 feet southeasterly and 700 feet northwesterly, respectively, from the proposed crossing.

The Woodrow Wilson High School and Junior College are located on the east side of Ximeno Avenue, between Eighth and Tenth Streets. Recreation Park, one of the principal parks of the city, is south of Anaheim Street and east of Ximeno Avenue.

Applicant alleges that the opening of Roswell Avenue across the Pacific Electric tracks would provide a convenience for students attending the Woodrow Wilson High School and Junior College, inasmuch as no parking is permitted on Ximeno Avenue in the vicinity of the said schools; that the fire department, garbage trucks and merchants' trucks could more conveniently traverse Roswell Avenue on either side of the tracks if the proposed crossing were constructed and that Roswell Avenue, if opened across the tracks, would be used as a relief highway to Ximeno Avenue.

The record shows that the Los Angeles County Regional Planning Commission has designated Roswell Avenue as a secondary highway and that said Commission's regional plan, which has been approved by the City of Long Beach, provides for the ultimate construction of the so-called San Gabriel Parkway, a major traffic artery to the north, which would connect to a traffic circle to be eventually constructed at the intersection of Roswell Avenue, Ximeno Avenue, State Street and Hathaway Avenue. It would appear that if and when the San Gabriel Parkway and the above mentioned traffic circle are

constructed, for which no proceedings have been or are planned to be instituted in the near future, Roswell Avenue would become a far more important street than at present.

The record shows that the city, during 1921, opened Roswell Avenue between Theresa Street and the south right of way line of the Pacific Electric, a distance of some 400 feet, together with a 40-foot section of the street north of the north right of way line, the cost of which was defrayed by an assessment district. Apparently the property owners who were assessed a part of the cost of the opening of said avenue are of the opinion that the proposed crossing should be constructed so as to make the avenue a through street, thereby justifying the expense of said opening. It appears that these property owners were benefited by this opening, even though the crossing was not constructed and that the mere fact that they bore part of the assessment cost is not in itself sufficient justification for the construction of a crossing at this location.

The tracks involved herein are those of Pacific Electric's Newport Line, operating between Los Angeles and Balboa Beach, over which the average traffic consists of twenty passenger trains, four express trains and four freight trains daily.

The city proposes to construct the Roswell Avenue crossing at an angle of about 52° with the railroad and with a southerly approach grade of approximately seven per cent descending toward the tracks and a northerly ascending approach grade of two per cent. The steep southerly approach grade is required because the railroad in this vicinity passes through a cut approximately eight feet deep.

The view of the railroad, in both directions from Roswell Avenue south of the track, would be seriously impaired if the proposed crossing were constructed by the walls of the cut and buildings. It

is evident that these physical conditions, in conjunction with the comparatively frequent interurban service, make the proposed crossing at Roswell Avenue a hazardous one.

The City of Long Beach, on two previous occasions, applied to this Commission for authority to open Roswell Avenue at grade across the Pacific Electric tracks; however, the Commission, by its Decision No. 14854, dated February 29, 1925, denied the city's application and by Decision No. 20497, dated November 16, 1928, dismissed the application upon the city's request.

The evidence shows that the proposed crossing would only shorten the distance to traffic which originated on Roswell Avenue itself on one side or the other of the crossing and which desired to reach some point on the avenue on the opposite side of the crossing. The volume of this local traffic would be small.

The record shows that the cost of constructing the proposed crossing, together with two wigwags, was estimated to be \$4,427.

The Los Angeles County Grade Crossing Committee, as shown by its report dated July 24, 1933, (Exhibit No. 5), is opposed to the granting of this application. The Pacific Electric Railway Company also opposed the granting of this application.

After carefully considering all the evidence in this proceeding it is concluded that the small amount of convenience to local traffic that would result from the construction of the proposed crossing does not at the present time justify the establishment of an additional crossing over this railroad with its attendant hazard, particularly in view of the fact that there are crossings on either side within a short distance of the one herein proposed, therefore

this application will be denied, without prejudice.

O R D E R

The City of Long Beach having filed the above entitled application, a public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that the above entitled application be, and the same is, hereby denied, without prejudice.

Dated at San Francisco, California, this 11th day of December, 1933.

C. J. [unclear]
Leon [unclear]

[unclear]

M. B. [unclear]

[unclear]

Commissioners.