

Decision No. 28338

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the PEOPLE OF THE STATE OF CALIFORNIA,
ON RELATION OF THE DEPARTMENT OF PUB-
LIC WORKS, for an order authorizing
the construction of a crossing at
grade of the State Highway, Route 60,
and the tracks of the Pacific Elec-
tric Railway, San Pedro-Gardena
Branch, between Frampton Avenue and
Normandie Avenue, in the City of Los
Angeles, Los Angeles County, California.)

Application No. 19299

ORIGINAL

Frank B. Durkee, Department of Public Works,
for Applicant.

Ray Chesebro, City Attorney, Los Angeles, by
F. Von Schrader, for Petitioner.

C. W. Cornell, for Pacific Electric Railway
Company, Interested Party.

J. O. Marsh, for Board of Public Utilities &
Transportation, City of Los Angeles,
Interested Party.

BY THE COMMISSION.

OPINION AND ORDER

The City of Los Angeles, on August 28, 1935, filed a petition seeking a modification of the Commission's order in its Decision No. 27073 on the above numbered application, with respect to condition (5) thereof, which provides for the closing of the grade crossing of 257th Street over the San Pedro-Gardena Line of the Pacific Electric Railway Company (Crossing No. 62C-20.22), upon the completion of the crossing at 258th Street and upon its being opened to public use and travel.

A public hearing was conducted on this matter before Examiner Hunter on October 9, 1935, at which time it was taken under submission and is now ready for decision.

Condition (5)¹ is a result of the fact that, prior to the issuance of this order, an inspection of the crossing involved was made by representatives of the Highway Commission, the Pacific Electric Railway Company and the Commission's Transportation Division, and it was the consensus of opinion that the crossing at 257th Street should be closed. After the filing of the original application in this proceeding, but before the order (Decision No. 27073) was issued, the City of Los Angeles was contacted in this matter and, as evidenced by Ordinance No. 74277,² it was agreeable to the plan of closing this crossing upon the opening of the one at 258th Street.

The crossing at 258th Street was completed on May 7, 1935, in accordance with the conditions of said order in Decision No. 27073, and provided with two automatic signals. The crossing of 257th Street, however, was not closed upon the opening of 258th Street, as contemplated in this order and as set forth in said Ordinance No. 74277.

1 (5) Prior to the beginning of actual construction of the crossing herein authorized, the City of Los Angeles shall file with this Commission a certified copy of an appropriate ordinance, or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing at grade of 257th Street over said San Pedro-Gardena Line of Pacific Electric Railway Company and identified as Crossing No. 6RC-20.22. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 6RC-20.22 shall be legally abandoned and effectively closed to public use and travel.

2 Ordinance No. 74277 was passed by the Council of the City of Los Angeles, by the unanimous vote of all members of said Council present, there being not less than twelve members present at its regular meeting of October 25, 1934, and approved by the Mayor of the City of Los Angeles on October 30, 1934. It provides in part as follows:

"Section 1. That public interest, necessity and convenience require, and that it is the intention of the Council of the City of Los Angeles to close up, vacate and abandon for public street purposes 257th Street from a line approximately 280 feet easterly of the easterly line of Frempton Avenue to a line approximately 220 feet easterly of said easterly line of Frempton Avenue, in the City of Los Angeles, County of Los Angeles, State of California, * * * * *"

Various witnesses of the City of Los Angeles testified that in their opinion public convenience and necessity require the retention of the 257th Street grade crossing. This evidence was predicated largely, however, upon the fact that the crossing had been in existence for some twenty-five years and to date had never been the scene of an accident. The contention was also made that closing the 257th Street crossing would necessitate school children walking an additional two and one-half blocks in traveling from the east side of the tracks on 257th Street to the school which is located on 254th Street between Senator Avenue and President Avenue west of the tracks. This contention was refuted to some extent by the admission on the part of the petitioner's witnesses that school children do not always use the regularly prescribed crossing, but cross the unfenced right of way of the Pacific Electric Railway at any point that might suit their convenience.

The evidence shows that 257th Street is an unimproved roadway which has never been surfaced or graded; that the approach grades to the crossing, particularly from the west, are rather steep. The views approaching the crossing from the west are open, while those approaching from the east are obscured by trees and buildings.

The 257th Street crossing is protected by a Standard No. 1 crossing sign only, while the new 258th Street crossing (500 feet south) is protected by two upper quadrant wigwags with flashing lights and track circuit controls. These signals were installed at a cost of \$4,234, exclusive of the paving. The crossing of 253rd Street (1300 feet to the north), is protected by a standard No. 3 wigwag. To install signals at the 257th Street crossing would cost approximately \$2,500, or, if the Commission were to permit their installation with trolley contact control, the amount would be approximately \$1,400.

The evidence shows that rail traffic consists of sixteen passenger trains inbound, seventeen passenger trains outbound and two freight movements daily over the crossing. Except for the passenger trains which stop to receive or discharge passengers, these trains travel at fairly high rates of speed over the 257th Street crossing. A vehicular count made at the 257th Street crossing on September 9, 1935, and covering a period of eight and one-half hours (7:00 A.M. to 3:30 P.M.), shows 38 vehicles and 46 pedestrians over the crossing during this period.

While there may be some merit in the claim that a pedestrian crossing should be maintained at this location, the traffic counts do not substantiate the contention that public convenience and necessity require the retention of the crossing for vehicular use, particularly in view of the fact that no automatic protective devices are provided at this location and the additional fact that 257th Street, on either side of the railroad, is unimproved. Although there have been no accidents at this location, we must, nevertheless, recognize the fact that every grade crossing is a point of potential hazard.

After a careful review of the record, it appears to us that, with the opening of the 258th Street crossing (6RC-20.32), public convenience and necessity no longer require the continuance of the 257th Street grade crossing over the San Pedro-Gardena branch of the Pacific Electric Railway Company (Crossing No. 6RC-20.22), to accommodate vehicular traffic. Furthermore, nothing has been offered to show that conditions have changed which affect the matter under consideration, when all parties agreed to the plan of closing the 257th Street crossing with the opening of the one at 258th Street. There appears to be some public need for a pedestrian crossing at this location to accommodate both school children and other pedestrian.

traffic in this district, therefore, we are of the opinion that condition (5) of Decision No. 27073 should be modified to permit of a pedestrian crossing only at this location. The following order will so provide.

O R D E R

Public hearings having been held and the Commission being fully advised,

IT IS HEREBY ORDERED that Condition (5) of said Decision No. 27073 be modified to read as follows:

- (5) Prior to the beginning of actual construction of the crossing herein authorized, the City of Los Angeles shall file with this Commission a certified copy of an appropriate ordinance, or resolution, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing at grade of 257th Street over said San Pedro-Gardena Line of Pacific Electric Railway Company and identified as Crossing No. 6RC-20.22. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. 6RC-20.22 shall be legally abandoned and effectively closed to public use and travel; provided, however, that the city may, if it elects, maintain a pedestrian crossing at this location upon the condition that such a pedestrian crossing be made safe for pedestrian use and barricaded so as to prevent its use by vehicles.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 27073 shall remain in full force and effect.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of November, 1935.

Leon C. Wheeler
M. H. Quinn
W. H. St. John
W. H. St. John
Commissioners.