

Decision No. 32210

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the City of Culver City, Cali-)
fornia, for an Order Granting)
Permission to Construct a Crossing)
over the tracks of the Santa Monica)
Airline of The Pacific Electric)
Railway Company at Hays Street and)
Helms Avenue in the City of Culver)
City, California.)

Application No. 22749

ORIGINAL

M. TELLEFSON, City Attorney, for Applicant.

FRANK KARR and E. L. H. BISSINGER, for Pacific Electric
Railway Company, Protestant.

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Culver City seeks an order from the Commission for permission to construct a crossing over the Santa Monica Air Line tracks of Pacific Electric Railway Company at Hays Street and Helms Avenue.

Public hearing was held in the City Hall at Culver City on June 26th, 1939, before Examiner Ager, at which time the matter was taken under submission, and it is now ready for determination.

The record shows that there are in existence at the present time crossings over these tracks at Moynier Lane (Crossing No. 6A-10.05), and at Wesley Street (Crossing No. 6A-10.73), the distance between these crossings being 3,691 feet. In addition to the two vehicular crossings above named, there are pedestrian crossings at Halm Avenue (Crossing No. 6A-10.53-D), and Schaefer Street (Crossing No. 6A-10.61-D). The city takes the position that public necessity requires the installation of an additional crossing for vehicular use in the area between Moynier Lane and Wesley Street, and the Helms Avenue location was selected for the reason that it affords a more direct crossing over the tracks than at any of the other locations in the area and the further fact that traffic at Helms Avenue and Washington Boulevard is controlled by traffic signals.

Witnesses for applicant, among whom were the Chief of Police and the Chief of the Fire Department, testified that an additional crossing was necessary in order to afford access to the area south of the Pacific Electric tracks. The testimony also indicates that such a crossing is desirable for those persons living in the area south of the tracks who desire to drive their children to and from the Washington and Alexander Hamilton schools north of the tracks. Testimony of these witnesses was to the effect that the existing crossing at Wesley Street was rough, the grades of approach were poor, visibility was obscured and that, all factors considered, the crossing was a dangerous one. As opposed to the contention that the Wesley Street crossing is rough and hazardous, many witnesses testified that the crossing was smooth, safe and devoid of any unusual hazard. Some of the witnesses were of the opinion that not only should the Helms Avenue crossing be opened but that others in the vicinity should be opened as well, it being their opinion that there was no reason why the number of crossings over these tracks should be particularly limited. These same witnesses, however, testified that, despite the alleged hazard at the Wesley Street crossing, they were unalterably opposed to any plan of opening a new crossing and closing the existing one. At the opening of the hearing it was stipulated by all parties as to the necessity for an additional crossing between Moynier Lane and Wesley Street but the opposition was of the opinion that such a crossing should be built at some place other than Helms Avenue, which is only 343 feet east of the existing crossing at Wesley Street. Numerous witnesses appeared and protested the granting of this application, on the grounds that existing crossings amply served the area.

A witness for Pacific Electric Railway Company testified to the fact that, in order to secure a 6 per cent approach grade at Helms Avenue, it would be necessary to lower the track one and one-half feet and, to make the entire improvement, including signal

protection, would involve an expenditure of slightly less than \$12,000. The above cost was exclusive of any paving costs, except that portion between points two feet outside of the rails. As opposed to these costs, the same witness estimated that a crossing at Schaefer Street could be constructed with a four per cent approach grade at a cost of slightly under \$4,000. As opposed to the contention that the new crossing would be useful for persons desiring to transport their children to and from the school, other witnesses testified that, in all probability, there were not more than twenty children in the area who would be benefited by the crossing if constructed and, further, that the two pedestrian crossings amply served their needs.

Wesley Street and Helms Avenue are rather well developed residentially south of the tracks but in the area east of Schaefer Street there is no development other than a distillery and a stove factory. Hays Street is constructed parallel and immediately adjacent to the Pacific Electric tracks on the south and affords an easy means of access for these residents on Schaefer Street and Helms Avenue to reach the Wesley Street crossing.

A petition, containing some three hundred signatures, was presented in support of the application but many witnesses appeared and testified that, although they had signed the petition, they did so without being fully aware of what the proposal was and expressed opposition to the construction of a new crossing if any of the costs were to be borne by the City of Culver City.

The rail line involved carries a comparatively small volume of traffic, consisting of daily movements of one passenger train each way, four freight trains each way, with a maximum length of twenty cars, and two miscellaneous movements.

The Los Angeles County Grade Crossing Committee, in its report of September 28th, 1938, recommended against the construction of a crossing at Helms Avenue pending a determination as to whether

or not a grade separation was to be constructed with these tracks at La Cienega Boulevard. Subsequently, this recommendation was reconsidered and, in its report of December 2nd, 1938, the Committee recommended that no opposition be offered to the construction of not to exceed two crossings over the Air Line tracks between Washington Boulevard on the west and La Cienega on the east; and stated further that, if the existing crossing at Wesley Street be abandoned and closed, Helms Avenue might be the proper location for one such crossing, the second one to be established at the approximate halfway point between Helms Avenue and La Cienega Boulevard.

Careful consideration of the record in this proceeding leads us to the conclusion that there is without question justification for an additional crossing between the one at Wesley Street and Moynier Lane but we are not convinced that the point selected - namely, Helms Avenue - 343 feet distant from the existing crossing, is the proper location for such a crossing. Even were the Wesley Street crossing to be closed, it would be difficult to justify the expenditure of some \$12,000 to open a crossing at Helms Avenue. That this conclusion is sound is borne out by the fact that the citizens of the area to be served by such a crossing are not convinced of its justification. It is not the desire of this Commission to deny the citizens of any city or community the privilege of free access from one side of a railroad to the other. It is the province of this Commission, however, to determine what is best for the interests of those concerned and in this case applicant has failed to show that public convenience requires the opening of an additional crossing at Helms Avenue. With this fact in mind, we are of the opinion that the application should be denied and 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 the application of the City of Culver City to construct Helms Avenue at grade over the Santa Monica Air Line tracks of Pacific Electric Railway Company is hereby denied without prejudice.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 1st day of August, 1939.

Robert A. ...
Ray ...
...
Justus J. Casner
Commissioners