

ORIGINAL

Decision No. 12,899

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of)
the City of Beverly Hills for an)
order authorizing the construction)
of crossings at grade over the Pacific)
Electric tracks at Alpine Drive south) Application No. 8911
to Burton Way; Maple Drive south to)
Burton Way; and Beverly Boulevard west)
to Santa Monica Boulevard.)

Paul E. Schwab, City Attorney, for City of
Beverly Hills.

Frank Karr, for Pacific Electric Railway Company.

B. J. Firninger, for Beverly Hills Chamber of
Commerce.

David R. Faries, by E. Heizman, for Los Angeles
County Grade Crossing Committee.

BY THE COMMISSION:

O P I N I O N

The above entitled application was filed with the Commission on April 12, 1923 by the City of Beverly Hills for permission to construct Alpine Drive, Maple Drive and Beverly Boulevard, respectively, at grade across tracks of Pacific Electric Railway Company. Thereafter, having been advised by Pacific Electric Railway Company that said railroad would not oppose the granting of this application, the Commission made its ex parte order, Decision No. 12132, dated May 24, 1923 granting the application subject to certain conditions among which were that the

Commission reserved the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it might seem right and proper and to revoke its permission if in its judgment the public convenience and necessity demanded such action.

Subsequently, at the request of Pacific Electric Railway Company the Commission made its supplemental order setting aside the prior orders and reopening this proceeding for hearing.

A public hearing was held in this proceeding in Los Angeles before Examiner Williams, October 25, 1923.

The territory for which the proposed crossings are desired is a triangularly shaped section lying between the Hollywood Sherman-Santa Monica-Venice Line and the Sawtelle-Santa Monica Line of the Pacific Electric, immediately east of the junction of these two lines. This tract of land extends for a distance of approximately one mile along each of the above mentioned lines of railroad and contains approximately one hundred and twenty-nine acres.

One of the crossings covered in this application, namely, Alpine Drive, has already been constructed and is being used by the public across the Sawtelle-Santa Monica Line which in this vicinity is parallel to and located between two portions of Burton Way. There is no crossing other than this crossing of Alpine Drive into this triangular tract within the city limits of Beverly Hills but access to the tract can be had only by the use of Doheny Drive which crosses both lines of the railroad a short distance easterly of the city limits. The principal business district of Beverly Hills lies at the intersection of Canon Drive and Burton Way which point is just south of the junction of the two lines of railroad above mentioned. The principal need for a crossing at Alpine Drive is to give a reasonably direct route of

travel between the territory between the two lines of railroad and the business district of Beverly Hills. There is also a need for a crossing at Alpine Drive for the purpose of giving an outlet to the industries located near the westerly portion of this triangular tract. Without the construction of this crossing a very substantial portion of all traffic to and from this section must travel something more than a mile extra distance. Although the territory has not as yet become densely populated it is now being rapidly built up, the evidence showing that there are six residences now under construction and that application for building permits for ten additional residences are now pending.

The view at this crossing is seriously obstructed on its northwesterly corner by a lumber yard. The other corners of the intersection have no serious obstructions to view. Seventy-six trains are normally operated daily over the Sawtelle-Santa Monica line at the location of the Alpine crossing. This crossing should unquestionably be protected by an automatic flagman.

The proposed crossing of Maple Drive over the same line of railroad is desired to give an additional outlet from the territory between the two railroads to the south and to also give a more direct route from the territory south of Burton Way through to the territory lying north of the Santa Monica Boulevard where the public school is located. The inconvenience, however, of going from the southerly portion of Beverly Hills to the territory near the school by way of the existing crossing at Canon Drive does not appear to be great and the hazard of an additional grade crossing at this point would appear to more than offset the relatively slight convenience that would result from its installation. The application as to this crossing should, therefore, be denied.

The proposed crossing of Beverly Boulevard over the

Hollywood-Sherman-Santa Monica-Venice line presents a more serious problem. Beverly Boulevard at this location is now a local street but it is contemplated that ultimately this street will be connected through to Los Angeles and become one of the main thoroughfares in this section from Los Angeles to the beach territory. Any solution therefore of the crossing situation should be made in a manner that would be consistent with this future development.

At the present time the railroad at the easterly end of Beverly Boulevard is located on a private right of way sixty feet in width and adjacent to which on either side are portions of Santa Monica Boulevard. That portion of Santa Monica Boulevard north of the track is very heavily travelled but that portion of Santa Monica Boulevard south of the railroad at this location at present extends easterly only about twenty-four hundred feet to a point near the existing crossing at Doheny Drive and extends westerly only about eighteen hundred feet to Alpine Drive and this portion of Santa Monica Boulevard is for that reason subject to a very limited amount of local traffic.

The construction of Beverly Boulevard across the railroad into that portion of Santa Monica Boulevard north of the track at grade would create a very hazardous condition. This hazard would be partially due to the normal hazard of any highway being constructed at grade across the railroad and partially due to the junction of this highway immediately adjacent to the railroad crossing with a very heavy travelled through boulevard. Until such time as Beverly Boulevard does become a through artery of traffic there does not appear to be any urgent necessity for this crossing but when Beverly Boulevard is made a through route of traffic a grade crossing at this point would become one of unusual hazard and if constructed across the railroad it should be con-

structed other than grade.

The Los Angeles County Grade Crossing Committee recommended that that portion of Santa Monica Boulevard south of the tracks be extended so that it would also form a through artery of traffic. If this were done, the need for a grade crossing of Beverly Boulevard would be very much reduced as would also the need for the crossing of Alpine Drive above described over the Sawtelle-Santa Monica line. The difference, however, between the Beverly Boulevard crossing over the Hollywood line and the Alpine Drive crossing over the Sawtelle line is that pending the opening of the southerly portion of Santa Monica Boulevard as a through traffic artery it appears that the local need of a crossing at Alpine Drive is urgent while it was not shown that the opening of Beverly Boulevard for local purposes would serve more than a nominal convenience.

It does not appear proper at this time to attempt to determine the manner in which Beverly Boulevard as a main artery of traffic should be constructed across the railroad. The present local necessity and convenience to be served by a crossing at this point does not appear to justify an additional grade crossing. The application to construct a grade crossing at Beverly Boulevard should at this time, therefore, be denied.

O R D E R

Public hearing having been held in the above entitled application, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that Decision No. 12132, dated May 24, 1923 and Decision No. 12359, dated July 13, 1923, in the above entitled application be and they are hereby revoked.

IT IS HEREBY FURTHER ORDERED, that permission be and it is hereby granted the Board of Trustees of the City of Beverly Hills, County of Los Angeles, State of California, to construct Alpine Drive at grade across the Sawtelle-Santa Monica line of the Pacific Electric Railway Company in a location as shown on the map attached to the application, said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Pacific Electric Railway Company.

(2) Said crossing shall be constructed of a width not less than thirty (30) feet and at an angle of approximately sixty (60) degrees with the railroad, with grades of approach not greater than four (4) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) Automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said automatic flagman shall be borne by Pacific Electric Railway Company.

(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 will 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 to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED, that that portion of the above entitled application asking permission to construct Maple Drive at grade across the Sawtelle-Santa Monica line of Pacific Electric Railway Company and Beverly Boulevard at grade across the Hollywood-Sherman-Santa Monica-Venice line of the Pacific Electric Railway Company be and it is hereby denied.

The effective date of this order shall be ten (10) days after the making thereof.

Dated at San Francisco, California, this 4th day of December, 1923.

Chauncy
H. B. Brundage
Dariusz Matlak

Commissioners.