

Decision No. 12924

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
PACIFIC ELECTRIC RAILWAY COMPANY for
permission to construct and maintain
a railroad to be operated in a sub-
way from Hill Street to Glendale
Boulevard, Los Angeles, California,
crossing at grade as an approach to
said subway from Glendale Boulevard
the intersection of First and Second
Streets and Glendale Boulevard,
Lucas Street, the intersection of
Toluca and Emerald Streets, and the
two intervening alleys, in the City
of Los Angeles, County of Los Angeles,
State of California.

Application No. 9426

Frank Karr for Applicant.

Jess E. Stephens, City Attorney, Milton Bryan,
Deputy City Attorney, and F. A. Eorentz,
Chief Engineer, Board of Public Utilities,
for the City of Los Angeles.

Carl Bush for Hollywood Chamber of Commerce.

W. H. Engle for the Glendale Boulevard Improve-
ment Association.

A. J. Barnes for East Hollywood Improvement
Association.

C. C. Thomas in propria persona.

BY THE COMMISSION:

O P I N I O N

Applicant, Pacific Electric Railway Company, requests
permission to construct railroad tracks, as proposed in fran-
chise granted in Ordinnance No. 44567 (new series), of the City
of Los Angeles, which provides for

"making the approaches at grade from the
intersection of Glendale Boulevard and
First and Second Streets, southerly across
Lucas Street and the two alleys between

"Lacs, Second and Toluca Streets and across Toluca Street, Emerald street, Bixel Street, and the alley between Bixel Street and Sapphire Street, and across Sapphire Street and Third Street, Hill Avenue, Fourth Street, Boyleston Street, Beaudry Avenue, Fremont Avenue, Figueroa Street, Flower Street, Hope Street, Grand Avenue and Olive Street, under grade and in said subway or tunnel and at the grades shown on Exhibit "C" hereto annexed, with this proviso or qualification, however, that if the City of Los Angeles should by the proper action of its City Council and the Board of Park Commissioners, as authorized by the Charter of the City of Los Angeles and approved by the vote of Los Angeles, grant your applicant the necessary franchise authority to construct said terminal in and under Pershing Square as herein referred to in paragraph V of this application within ninety days from the date of the order granting this application, your applicant be authorized to change its plans and construct said terminal under Pershing Square in lieu of constructing same at and in the vicinity of Hill and Olive Streets, between Fourth and Fifth Streets."

The Railroad Commission in Decision No. 9928, dated December 24, 1921, authorized an increase of rates on the Pacific Electric under certain conditions in which it was provided that applicant improve its service to the Hollywood District by the purchase of certain cars and the construction of a tunnel westerly from Hill Street to the intersection of First Street and Glendale Boulevard, that applicant submit within thirty (30) days thereafter, plans satisfactory to the Commission for the improvement of its service, and that applicant satisfy the Commission that it had made the necessary financial arrangements to provide the capital required. Satisfactory plans were submitted and assurance given as provided.

The Company in this proceeding alleges that it commenced purchasing rights of way early in 1922 and applied for a franchise on March 20, 1922, which was later amended on June 27, 1922, with a view to carrying out the construction of the tunnel and the improvement of the Hollywood service to be provided thereby. Franchise for the construction of this tunnel was obtained from the City Council of Los Angeles by Ordinance No. 44567 (new series) adopted September 12, 1922, effective October 16, 1922. In this franchise it is contemplated that the tunnel will, as suggested in Commission's previous decision, terminate at grade at applicant's present Hill Street station located between Fourth and Fifth Street.

Applicant sets forth that since January 1, 1923 and up to the date of the application it had expended \$834,647.50 for rights of way and there still remains one condemnation suit to complete.

Applicant alleges that in April, 1923, it was requested by certain civic organizations to consider terminating the eastern end of the tunnel at and under Pershing Square instead of at the present Hill Street station, in order that the terminal might in the future more readily fit into a comprehensive subway system. Acting upon these suggestions it applied to the City Council on April 20, 1923 for a new franchise which would permit the construction of the terminal in a subway under Pershing Square. Following this application a vote of the people was had with a view to authorizing the City Council to grant a franchise for the use of Pershing Square, as proposed. This vote was in favor of the same but as yet no final action has been taken by the City Council on the second franchise nor has the Board of Park Commissioners which has concurrent jurisdiction over the use of Pershing

Square approved the use of the park.

Applicant takes the position that it is ready to carry out the construction of the tunnel to Hill Street in compliance with the Commission's previous order, but desires the alternative of placing the terminal under Pershing Square in case permission is obtained from the City of Los Angeles within ninety (90) days from the date of this order.

The City Charter of Los Angeles will not permit the construction of subways by private utilities longitudinally under streets and at least two years would be required before the present charter could be amended or modified to allow such construction. Consideration is at present being given to the general question of subways as a means to improve transportation in Los Angeles, but no definite plans are available. It is not possible, therefore, to determine how effectively any proposed terminal will fit into the future subway system.

It is agreed by the representatives of the City and those of the applicant that the present transportation conditions are not satisfactory and that the construction of this tunnel terminating either at Hill Street or at Pershing Square will materially benefit the traffic conditions and increase the speed of trains in the down town district and will thus improve the service to be obtained by Hollywood, Glendale and San Fernando Valley.

A special committee was appointed by the City Council prior to this hearing, consisting of engineers representing the Los Angeles Railway, Pacific Electric Railway, the Traffic Commission, the City Engineer, and the Chief Engineer of the Board

of Public Utilities, to report upon the advisability of locating the terminal under Pershing Square rather than at the location of the present Hill Street Station. At the time of this hearing no agreement had been reached between the engineers of this committee and it appears from the testimony of Mr. F. A. Lorentz, the Chief Engineer of the Board of Public Utilities, that there is little hope of such an agreement. Mr. Lorentz recommends that the construction of the tunnel should be gone ahead with without delay along the plans originally proposed for the reason that it would be inadvisable to delay the construction of this tunnel pending the determination of the possible utilization of Pershing Square as a subway terminal for the Pacific Electric. This same view is taken by City Attorney Jess E. Stephens, and it appears to be the general consensus of opinion of the city authorities represented that, under the present circumstances, the proposed tunnel and station should not be considered as a part of the general subway system, but should be completed at the earliest possible date.

The estimates submitted by applicant relative to the cost of this tunnel and adequate terminal facilities at grade at Hill Street show the cost to date of rights of way and terminal facilities at Hill Street including value of present station site, right of way and lands purchased prior to 1922 to be \$2,056,707.76, from which amount it is estimated the Company will obtain salvage of \$700,000.00 to \$1,000,000.00, and estimated construction cost of tunnel and terminal facilities to be \$1,752,424.00. Total cost of this project, assuming the use of the present Hill Street terminal at grade will, it appears, approximate \$3,000,000.00 as

a net figure. The Company estimates that to extend to Pershing Square and construct a subway station would cost a net additional of \$1,160,000., and is willing under reasonable franchise requirements to make this further expenditure. Applicant estimates some saving in operating expenses and quite a material improvement in the quality of the service by the construction of this tunnel to either of the two proposed stations.

As indicated by the Commission two years ago the need for the construction of this tunnel to improve transportation conditions was urgent and the need at this time is even more urgent. It is, therefore, clear that there is no justification for further delay in the carrying out of this improvement. We are convinced that the tunnel as proposed, will serve a necessary and useful purpose and will justify its cost in the immediate improvement of conditions.

It has appeared to this Commission that the public interest would perhaps be better served if the tunnel here in question could be linked with some general subway system with station facilities in or adjacent to Pershing Square, or other general subway system that may be approved by the city. However, since the date of the hearing herein the Los Angeles City Council, under date of November 7, 1923, adopted a report of its public utilities committee which contains the following definite recommendations:

" . . . first, that the proposed Pacific Electric plan for a Subway station to be located in the central portion of Pershing Square be abandoned or any other proposed plan at this time to use a portion or the whole of Pershing Square be abandoned. Second, that the Pacific Electric Railroad Company proceed at once to build the Hollywood Tunnel along the lines set forth in their detailed plan now submitted formally to the Railroad Commission for final approval."

In view of this it appears futile to consider the advantages or disadvantages of the Pershing Square site for the easterly terminal of this tunnel. It should be noted, however, that a study of the plans submitted indicate that the construction of the tunnel as proposed will not prevent the ultimate connection of this tunnel with a comprehensive subway system having station facilities located at or near Pershing Square. Such a change will necessarily increase the total cost somewhat but the major portion of the tunnel as now planned can be utilized if such a future connection be found advisable. Our order in this proceeding will, therefore, deal solely with a tunnel leading to applicant's present Hill Street Station.

O R D E R

Pacific Electric Railway Company having applied for permission to construct and maintain a railroad to be operated in a tunnel from Hill Street to Glendale Boulevard, in the City of Los Angeles, County of Los Angeles, State of California, as hereinbefore recited, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision;

IT IS HEREBY ORDERED, that Pacific Electric Railway Company be, and it is hereby granted permission and is hereby ordered and directed to construct and maintain a tunnel and operate trains therein from Hill Street to Glendale Boulevard in the City of Los Angeles, County of Los Angeles, State of California, subject to the following conditions:

- (1) The entire expense of constructing said tunnel, together with the cost of its maintenance in a good and first-class condition thereafter for the safe and convenient operation of trains therein shall be borne by applicant.

(2) Said tunnel shall be constructed at a location as shown on Exhibit "B" filed in the above entitled application, at a grade substantially as shown on Exhibit "C", and with dimensions substantially as shown on Exhibit "D".

(3) Applicant shall provide such station facilities along the route of said subway as the Commission may hereafter direct.

(4) Applicant shall commence the construction of said tunnel within sixty (60) days from the date of this order, and said tunnel shall be completed and placed in operation on or before March 1, 1925, unless for good cause shown such time limit shall be extended by subsequent order herein.

(5) Applicant shall file with the Commission monthly reports of progress during the period of construction, such reports to contain such information and data as may be required from time to time by the Commission.

(6) The Commission reserves the right to make such further orders relative to the construction, operation and maintenance of said tunnel as it may hereafter deem right and proper.

This order shall become effective ten (10) days from the date hereof.

Dated at San Francisco, California, this 13th
day of December, 1923.

Charles
W. B. ...

Egerton Shore

J. T. Whitteley
Commissioners.