

The Beverly-Sawtelle line of Pacific Electric Railway Company, hereinafter called the Railway, is a double track electric railroad which in the vicinity of McCarthy Vista and Wilshire Boulevard runs in a northeasterly and southwesterly direction and is paralleled on both sides by Eulalia Boulevard. High speed interurban service is maintained on a headway of thirty minutes, with a total of forty-eight inbound trains and forty-two outbound trains daily.

The territory which the proposed crossing opposite McCarthy Vista is to serve is a new subdivision known as Carthay Center lying on both sides of the Railway. McCarthy Vista is a paved street located approximately eighteen hundred feet southeast of the grade crossing of Wilshire Boulevard and the Railway, and sixteen hundred feet northwest of the grade crossing at Fairfax Avenue.

The need for a crossing opposite McCarthy Vista is to connect the residential section of the Carthay Center subdivision on the north with the residential and business sections on the south of the Railroad. Although a large number of the residential lots have been sold and several of the business lots have been leased in that portion of the subdivision located south of the railway, the purchasers have not improved their property and they are waiting for a crossing to be established.

The plan of Carthay Center submitted by the applicant shows two grade crossings opposite McCarthy Vista. The first is a continuation of Foster Drive and the other a continuation of Carrillo Drive, which are four hundred and twenty-five feet apart. Both the applicant and the representative of the Railway Company expressed the opinion that one crossing approximately one hundred and twenty feet wide which would be a continuation of McCarthy Vista would be less hazardous than two crossings.

The grade of the Railway is approximately four feet 25

above the grade of the adjacent streets. It will greatly reduce the hazard at this crossing and tend to enhance the value of the business lots in Carthay Center to lower the grade and tracks of the Railway to the grade of the adjacent streets. The view at this crossing is not obstructed; but owing to the high speed interurban traffic, a crossing at this location should be protected by an automatic flagman.

The Carthay Center Syndicate, owners of the Carthay Center subdivision, have agreed to reimburse the applicant, the City of Los Angeles, for the entire cost of constructing the crossing and lowering the railway tracks and embankment. The Railway Company does not oppose the granting of the grade crossing, provided the entire expense is borne by the applicant.

It appears that public convenience and necessity requires a crossing at McCarthy Vista and the application should be granted. It seems equitable that the applicant should bear the entire expense of constructing this crossing including the cost of lowering the tracks.

In this proceeding the City of Los Angeles has also applied for an order requiring the Railway Company to lower its grade at the intersection of Wilshire Boulevard to the newly established grade of said boulevard and to apportion the cost thereof in a just and equitable manner.

This crossing is in the City of Los Angeles and is located approximately one hundred feet westerly of the boundary line between the City of Los Angeles and the City of Beverly Hills. Wilshire Boulevard is one of the most important and congested traffic arteries leading from Los Angeles to the west beach territory. The present elevation of the Railway Company's tracks is approximately

three and one-half feet above the newly established official grade of Wilshire Boulevard. The present grades of approach are approximately five per cent on the easterly side of the tracks and two per cent on the westerly side of the tracks. This crossing is now protected by an automatic flagman and the customary crossing sign and all trains make a safety stop before proceeding across Wilshire Boulevard. There are no buildings in the immediate vicinity of the crossing and the view is in no way obstructed.

Wilshire Boulevard has now been paved to the toe of the railway embankment. An earth-fill approach has been made on the easterly side of the crossing approximately sixty feet long, with a grade of five per cent. This has created a real hazard when the large amount of vehicular traffic is considered. The grade of the original approach on the Los Angeles side of the crossing was approximately two per cent and presented insofar as the grade of approach is to be considered, a relatively small hazard.

The vehicular traffic on Wilshire Boulevard is very heavy and a grade separation would be desirable. Several plans for an overhead crossing at this location have been prepared by the Engineering Departments of the City of Los Angeles and Pacific Electric Railway Company in conjunction with the Los Angeles County Grade Crossing Committee. The logical plan, from an engineering and financial standpoint, would be to elevate the tracks of the railway about twelve feet across Wilshire Boulevard by means of a viaduct with earth embankment approaches, and lower the present grade of Wilshire Boulevard under the viaduct approximately five feet, or as low as possible and still maintain natural drainage. The representative of the railway company estimated that it would cost \$213,500. to construct an overhead crossing of this type.

The property owners adjacent to this crossing object to an overhead structure of any kind and claim that it would greatly

depreciate the value of their property and urged that the railway company's tracks be depressed and carried under Wilshire Boulevard through a subway, with open cut approaches. The City Trustees of Beverly Hills have passed a resolution stating that they are definitely opposed to an overhead crossing, and the City Council and the Board of Public Works of the City of Los Angeles have also gone on record as being opposed to an elevated structure at this crossing.

Plans for such a depression of the tracks have been prepared by the engineering department of the City of Los Angeles with an estimated cost of \$575,000. The Railway Company has also prepared plans for the depression of their tracks with an estimated cost of \$776,000. and an additional expenditure of \$271,000 to construct a diversion channel to take care of the storm water from a large open drainage ditch which crosses the Railway Company's right of way approximately sixty feet northwesterly from the Wilshire crossing making the total estimated cost \$1,047,000.

When these large sums, estimated as the cost of depressing the tracks in order to eliminate the grade crossing in the only manner now acceptable to the city, are compared with the estimated cost of \$213,000. for a suitable overhead structure, it is evidently impractical to attempt to separate the grades at the present time.

No question is raised as to the propriety of the City of Los Angeles changing the grade of Wilshire Boulevard, but if because of the change of grade the crossing of the Railway is made more hazardous to the traveling public, it would appear that the obligation to correct this hazard rests upon the City of Los Angeles, especially when as in this case the company or its patrons will receive no benefit from the change.

If the plan proposed by the City of Los Angeles is carried out it may be that the ultimate cost of effecting a separation of grades will be somewhat increased and this additional cost

would also appear to be at that time a burden which the City should bear.

It is immaterial as far as the traveling public is concerned whether the tracks are lowered or suitable approaches rebuilt, and since the City of Los Angeles has expressed its desire to have the railroad tracks lowered, it appears proper to grant the application providing the expense of this work is assessed to the City of Los Angeles.

The following form of order is recommended:

O R D E R

The City of Los Angeles having made application for permission to construct a crossing at grade across the Beverly-Sawtelle line of Pacific Electric Railway Company opposite McCarthy Vista, and for an order requiring the said Railway Company to lower its tracks to the established grade of Wilshire Boulevard, 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 permission be and it is hereby granted the City of Los Angeles, Los Angeles County, State of California, to construct McCarthy Vista at grade across the tracks of Pacific Electric Railway Company at the location described as follows:

Beginning at a point on the southwesterly line of the right of way of Pacific Electric Railway Company's Beverly Sawtelle line, South 50°57'10" East a distance of 115 feet southeasterly from the intersection of said right of way line with the prolongation of the southeasterly line of Foster Drive, as shown on Map 5415, Tract 5542, City and County of Los Angeles, State of California, on file in the office of the County Recorder of said County; thence South 50°57'10" east along the southwesterly line of said right of way a distance of 120 feet; thence North 39°02'50" east a distance of 50 feet; thence North 50°57'10" west along the northeasterly line of said right of way a distance of 120 feet; thence South 39°02'50" west a distance of 50 feet to the point of beginning.

All of the above as shown on the map attached to the application; 29

said crossing to be constructed subject to the following conditions:

(1) The tracks of Pacific Electric Railway Company shall be lowered at said crossing to conform with the established grade of McCarthy Vista and Eulalia Boulevard for a distance not to exceed three hundred and twenty (320) feet, with suitable approaches thereto, with grades of approximately one and one-half (1.5) per cent.

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

(3) Said crossing shall be paved with a hard surface pavement, or other approved type of high standard construction, for the entire length and width thereof; shall be constructed of a width of one hundred and twenty (120) feet, and at an angle of ninety (90) degrees with the railroad, with grades of approach not greater than two (2) 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.

(4) An 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 and shall be installed in the center of said crossing on the southerly side of said railway. The maintenance of said automatic flagman shall be borne by Pacific Electric Railway Company.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(6) If said crossing shall not have been installed

within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(7) 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 Pacific Electric Railway Company is hereby directed to lower its tracks at the crossing of the Beverly-Sawtelle line with Wilshire Boulevard to conform with the established grade of Wilshire Boulevard.

IT IS HEREBY FURTHER ORDERED, that the entire expense of lowering the tracks of the Beverly-Sawtelle line to conform with the established grade of Wilshire Boulevard shall be borne by the City of Los Angeles.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

This order shall become effective ten (10) days after the making thereof.

Dated at San Francisco, California, this 5th day of May, 1924.

C. Seaver
H. B. Brundage
Egerton Shore
J. S. Whittier
Commissioners.