

Decision No. 13675

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of Pacific Electric Railway Company for authority to cross at grade Terrace Drive, West Channel Road and Center Street, public highways in the County of Los Angeles, State of California.

ORIGINAL

APPLICATION NO. 9074.

- Frank Karr and C. W. Cornell for Applicant.
- S.V. Cortelyou, for California Highway Commission.
- E.E. East, for Automobile Club of Southern California.
- Roy W. Dows, for Board of Supervisors of Los Angeles County and Los Angeles County Regional Planning Commission.
- Chas. H. Scott, for Pacific Palisades Association.

WHITTLESEY, COMMISSIONER:

OPINION ON REHEARING

The above matter is again before the Commission upon the petition of the applicant for a rehearing for the purpose of presenting further evidence and argument in support of the granting of the application.

A rehearing on this matter was held in Santa Monica on January 2, 1924.

At this rehearing considerable testimony was introduced to show a possible future necessity for railroad service to the territory northwesterly from the proposed crossing in the vicinity of the Santa Monica Canyon. It appears that the Pacific Palisades Association has acquired a tract of land containing 1925 acres, situated for the most part on the high ground to the north of Santa Monica Canyon and plans to develop thereon both a permanent residential community and extensive recreational facilities. This organization has planned a Chautauqua Auditorium with a seat-

ing capacity of ten thousand where it is expected to hold Chautauqua conventions and other gatherings which will attract large numbers of people from Los Angeles and other communities. The Association owns six thousand feet of beach frontage of a similar character to the beach frontage now being intensely developed to the south of Santa Monica Canyon.

The present population of the Pacific Palisades district is approximately five hundred but the representative of the Pacific Palisades Association estimated that within ten years this territory will have a population of twenty-five thousand. At the present time transportation is given to this district by means of busses but if the community develops as anticipated by its sponsors it is urged that some form of mass transportation will be necessary. The president of the Pacific Association expressed the opinion that such massed transportation when required should be given by extending the line of railroad now existing along the beach northerly from Santa Monica up the beach to Temescal Canyon and thence into the Palisades property. He indicated that he would prefer that this line be extended with as few grade crossings as possible but that rather than see the line entirely abandoned north of Santa Monica Canyon and further transportation for his district jeopardized, he was desirous that the petition of the railroad for the construction of these grade crossings be authorized.

The Pacific Electric Railway presented evidence to the effect that, if that portion of the line north of Santa Monica Canyon were abandoned and service thereover discontinued, certain parcels of the right-of-way were subject to forfeiture and reversion. Applicant contended that, although the present traffic would not justify the expending of any considerable amounts of money such as would be involved in the construction of an overgrade crossing, it did desire

to preserve its rights for the operation of a railroad in view of the possibility of future traffic requirements justifying an extension of this line.

It is, of course, not the construction of a grade crossing but the hazard resulting from the operation of trains thereover that is the basis of the real objection to grade crossings. In this case it appears from the evidence that a plan may be worked out whereby the rights of the company and the future interests of the public for transportation may be protected by the construction of the grade crossings as desired with certain limitations as to the operation thereover for the time being; that there is but little necessity at the present time for the operation of trains north of Santa Monica Canyon and also that there is a possibility later developments in the section adjacent to this proposed railroad will be such that a substantial amount of high speed railroad transportation will be required. It would not cost any more to separate the grades at some time in the future when traffic requirements demand this additional transportation than it would cost to construct the viaduct to provide for a separation of grades at this time.

Under these circumstances it appears proper that the application of the railroad to construct these crossings at grade should be granted subject to certain drastic restrictions of operation and upon the further condition that, if and when traffic requirements demand a regular rail service of substantial volume, the railroad will at that time be reconstructed in such a manner as to cross the roads at the mouth of the Santa Monica Canyon above grade.

The following form of order is recommended:

ORDER ON REHEARING

Pacific Electric Railway Company, applicant herein, having petitioned for a rehearing in the above entitled proceed-

ing and such rehearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the Commission's Decision No. 12461, dated August 6, 1923, entered in the above entitled application be and it is hereby rescinded.

IT IS HEREBY FURTHER ORDERED, that permission and authority be and it is hereby granted Pacific Electric Railway Company to construct its track at grade across Terrace Drive, West Channel Road and Center Street in the locations shown in the map designated Pacific Electric Railroad Company's C.E. 5819 "a", and filed in this proceeding, subject to the following conditions:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed of a width and type of construction to conform to those portions of said streets now graded with the top of rails flush with the pavement, and with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossings and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) No train, car or locomotive shall be operated over said crossing without first having been brought to a stop within seventy-five (75) feet of the center of said crossings of said Center Street and said West Channel Road respectively.

(4) Not more than two trains, locomotives or cars shall be operated over said grade crossings, in any one calendar day.

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

(6) If said crossings shall not have been installed within one year from the date of this order, the authorization herein granted shall 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 crossings 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.

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 11th day of June 1924.

C. C. Seaver  
H. M. Anderson  
J. W. Martin  
Egerton Shore  
J. T. Whitney  
Commissioners.