

Decision No. 13852.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application)
of the City of Santa Monica, for)
an order authorizing the crossing)
of Railroad Tracks of Southern)
Pacific Railroad Company, et al.,)
at grade at Sixth Street, in said)
City.)

Application No. 9449.

Chester L. Coffin, City Attorney, for Applicant.
Frank Karr, for Southern Pacific Railroad Company,
Southern Pacific Company and Pacific Electric
Railway Company.
John R. Berryman, for Los Angeles County Grade
Crossing Committee.

BY THE COMMISSION:

OPINION ON REHEARING.

The Commission, in its Decision No. 13,146, issued February 13, 1924, denied the above entitled application. Applicant filed a petition for rehearing in this matter March 4, 1924.

In the petition for rehearing it is alleged in effect that subsequent to the hearing on this application, the City of Santa Monica has revised its plans for the method of making the proposed grade crossing at Sixth Street with particular reference to eliminating the hazard, set forth in the Commission's Decision, referred to above, due to lack of visibility and steepness of grades of approach at the proposed grade crossing and that applicant now desires to set before the Commission such revised plans; that applicant proposes to establish such safety devices at or near the grade crossing as to give adequate protection to the public.

A public hearing was held on the petition for rehearing in the above entitled matter, before Examiner Williams in Santa Monica, May 20, 1924.

At the rehearing in this matter, applicant introduced its revised plans for the proposed grade crossing. These plans show

that the City of Santa Monica now desires to construct Sixth Street from Colorado Avenue to Pennsylvania Avenue, within which distance the grade crossing applied for is located, with the following grades: Colorado Avenue to railroad right of way, a distance of some 400 feet on a 2.59 per cent grade, descending toward the railroad, thence on a grade of 5.3 percent over the 100 foot right of way descending toward the south, crossing the track at grade, thence from the railroad right of way to Pennsylvania Avenue some 260 feet on a grade of 3.74 percent descending toward the track. City Engineer of Santa Monica testified that he would recommend lowering the established grade at Sixth and Pennsylvania Avenue two or three feet, which would reduce the rate of grade from the railroad right of way to Pennsylvania Avenue to 2.54 percent. The contemplated grade of 2.59 percent between Colorado Avenue and the railroad property involves the abolition of that portion of the spur tracks and a lumber shed within the proposed street, located some 165 feet southerly from Colorado Avenue. These grades of approach are materially less than those proposed at the original hearing in this matter.

To provide better view conditions at the requested grade crossing applicant proposes to remove the wedge of earth within the 100 foot railroad right of way for a distance of 100 feet along the track on either side of Sixth Street.

The cost of the proposed grade crossing, exclusive of providing any protection at this track, but including paving, sidewalk and curb, was estimated by applicant to be \$22,260. This plan contemplates grading of an 80 foot highway. If a grade crossing were to be constructed an automatic flagman should be installed which would add an additional expense of some \$600, making a total of approximately \$22,860.

Pacific Electric Railway Company presented an estimate showing that an overgrade structure could be installed, exclusive of

paving and sidewalks on that portion of the street outside the limits of the overgrade structure, for \$13,560. This improvement to consist of an overhead timber structure 300 feet long carrying a 20 foot roadway and two six foot sidewalks and providing for earth filled grades of approach on either side of the timber structure. The earth fills to diverge from a width of 40 feet at either end of the timber structure to the maximum width permissible within the 80 foot street so that the fills would not run outside the street lines. To compare the two estimates, the paving, sidewalks and curbs of that portion of Sixth Street not within the limits of the timber overgrade, must be subtracted from the city's estimate, which amounts to \$6,280, leaving a total of \$16,577 for the city's plan as compared to the cost of the overgrade structure proposed by Pacific Electric Company of \$13,560. The Commission's engineers stated that they had prepared an estimate which very closely checked in plan and cost with that presented by Pacific Electric Company, but as there was practically no opposition to either of the estimates presented as to quantity or unit costs, the Commission's engineers did not introduce their estimate in evidence.

The Los Angeles County grade crossing Committee appeared to oppose the granting of this application on the ground that under the conditions when the physical conditions were so favorable to a grade separation, public convenience and necessity does not warrant the hazard that would be incident to the construction of the proposed grade crossing applied for herein.

There is no question but that the plan for a grade crossing as now presented by the city is less hazardous and less objectionable than that presented when this matter was before the Commission at the prior hearing, but it also appears that a reasonably adequate grade separation can be effected here for a less amount of money than it would cost to construct the grade crossing under the city's modified plan. Applicant argues that the timber structure has a short life and would require a higher maintenance cost than would a grade crossing.

The testimony shows that the existing timber overgrade structure at Seventh Street within 400 feet of the crossing applied for herein was constructed over 30 years ago, and that with only minor expenditures for maintenance, it is still in service, and that the estimated life of the timber overgrade structure proposed by Pacific Electric Company is at least twenty-five years.

The evidence introduced at the rehearing in this application substantiates the Commission's conclusion reached in its prior order in this matter that this application for a grade crossing at Sixth Street should be denied. In view of the fact the physical conditions at the proposed crossing lend themselves so favorably to an overgrade crossing, it appears that authority for such a structure should be granted at this time, as we understand the City has received the necessary property to extend Sixth Street from Colorado Avenue to Pennsylvania Avenue and if it is the desire of the City of Santa Monica to open Sixth Street across the railroad by the construction of an overgrade crossing, the course will then be opened for such an improvement without further presentation to this Commission. The order will so provide.

ORDER ON REHEARING.

The City of Santa Monica having made application for a rehearing on the above entitled application, wherein authority is asked for permission to construct a grade crossing at Sixth Street over a railroad track owned by Southern Pacific Railroad Company which is now leased and operated by Pacific Electric Railway Company in the City of Santa Monica, a public hearing having been held on the application for rehearing, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that Commission's order in its Decision No. 13146, dated February 13, 1924, insofar as permission to construct Sixth Street over said tracks is denied, be, and it is hereby sustained.

IT IS HEREBY FURTHER ORDERED that permission and authority be and it is hereby granted to the City of Santa Monica, County of Los Angeles, State of California, to construct an overgrade crossing at Sixth Street across the track of Southern Pacific Railroad Company, known as the "Santa Monica Air Line", now leased by Pacific Electric Railway Company at the location shown on the map attached to the application, said crossing to be constructed subject to the following conditions, namely:

(1) The overgrade crossing shall be constructed at Sixth Street extended across the track in accordance with plans which shall have been approved by this Commission.

(2) The entire expense of constructing the overgrade crossing shall be borne by applicant. The cost of its maintenance thereafter shall be borne by applicant, except that any damages caused by the operations of the railroad shall be borne by the railroad.

(3) Said overgrade crossing shall conform with the requirements of this Commission's general order No. 26 with respect to clearances.

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

(5) If said overgrade 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.

(6) The Commission reserves the right to make such further order relative to the location, construction, operation, maintenance and protection of said overgrade 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.

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

making thereof.

Dated at San Francisco, California, this 28th day of
July, 1924.

C. Seavey

H. B. ...

... Martin

J. F. Whitting
Commissioners