

Decision No. 14355.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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 Foothill Road, north to Santa Monica Boulevard; Roxbury Drive north, crossing Santa Monica Boulevard.

Application No. 10277

R. C. Waltz, City Attorney for Applicant.
Frank Karr, for Pacific Electric Railway Co.
John B. Berryman, Jr., for Los Angeles
County Grade Crossing Committee.

SHORE, COMMISSIONER:

O P I N I O N.

In the above entitled application the City of Beverly Hills asks permission to construct Foothill Road and Roxbury Drive, respectively, at grade across certain tracks of Pacific Electric Railway Company, in the City of Beverly Hills, Los Angeles County, California.

A public hearing was held in this matter at Beverly Hills, September 16, 1924.

At the hearing, applicant, with the consent of the other interested parties, requested that this application be modified to request permission to construct a grade crossing at either Foothill Road or Beverly Boulevard, in lieu of the original request for permission to construct a grade crossing at Foothill Road. Beverly Boulevard intersects the railroad at a point approximately 400 feet northeast of the intersection of the proposed Foothill crossing.

By the terms of this Commission's order in its Decision No. 12899, dated December 4, 1924, in Application No. 8911, the City of Beverly Hills was denied permission to construct Beverly Boulevard at grade across Pacific Electric Railway Company's track. As set forth in the Commission's opinion of its Decision No. 12899, referred to above,

"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. * * *

"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 constructed other than grade."

The proposed crossing at Foothill Boulevard is over Pacific Electric Railway Company's line between Beverly Hills and Hollywood, sometimes known as the "Hollywood Line." This crossing is desired to afford an outlet to the north for an industrial district which is developing very rapidly. This district is in the form of a triangle, bounded on the northwest by the said "Hollywood Line", on the south by Pacific Electric Railway Company's so-called "West Sixteenth Street Line", and on the

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east by Doheny Drive, and is east of the junction of the two railroads.

The principal business district of Beverly Hills lies at the intersection of Canyon Drive and Burton Way, which point is just south of the junction of these two railroads. While a crossing in the vicinity of Foothill Road would not be of material benefit to vehicular traffic between the industrial district referred to above and the business center of the city, it would, however, be of material benefit to traffic from the industrial district to that portion of Beverly Hills lying northwest of Santa Monica Boulevard, which constitutes a large portion of the City's residential section. At present this traffic is required to travel south and cross the said "West Sixteenth Street Line" at Alpine Drive, and thence northerly to Santa Monica Boulevard, which involves crossing the railroad again; or it must travel easterly to the crossing over the "Hollywood Line" at Doheny Drive which is near the east boundary line of the city.

The right of way of the Pacific Electric Railway Company's "Hollywood Line," in the vicinity of Foothill Road, divides Santa Monica Boulevard into two portions. The portion of Santa Monica Boulevard parallel to and on the northerly side of the railroad is one of the main highways between Beverly Hills and Hollywood, which is a paved road and carries a large volume of vehicular traffic. The portion of Santa Monica Boulevard on the southerly side of the railroad extends from Doheny Drive on the east to Alpine Drive on the west, a distance of approximately 4,200 feet, and carries only a comparatively small volume of local traffic.

Pacific Electric Railway Company normally operates 81 interurban passenger trains and twelve freight trains per day over its "Hollywood Line." These trains travel at fairly high rates of speed in the vicinity of Foothill Road. Although the highway on either side of the railroad right of way admits of a fairly good view of the tracks, highway intersections on either side of the railroad would add to the hazard of the grade crossing. Under the conditions prevailing, it appears that an automatic flagman should be provided for the protection of this crossing, if installed.

There was no serious objection presented to oppose the granting of a crossing in the vicinity of Foothill Road. From the evidence, it appears that public convenience and necessity require that the industrial property referred to above be given a more direct outlet to Santa Monica Boulevard, and that a crossing at Foothill Road will meet the local needs for the present. If and when a grade separation is effected at the intersection of Beverly Boulevard and the said "Hollywood Line," the grade crossing at Foothill Road, if constructed, should be abandoned and effectively closed.

Pacific Electric Railway Company presented estimates showing costs of the two different types of crossings which might be installed over its line at Foothill Road, one of a permanent nature to cost approximately \$2,180.00, and the other of lighter construction to cost \$1,485.00. An automatic flagman was included in each estimate. In view of the fact that the crossing at Foothill Road is intended primarily for local traffic and may be discontinued within a few years, if and when a grade separation is effected at Beverly Boulevard, it would seem that a cheaper type of construction would be appropriate under these conditions.

The grade crossing applied for at Roxbury Drive is situated southwest of the business center of Beverly Hills and over Pacific Electric Railway Company's line between Beverly Hills and Sawtelle. In the vicinity of Roxbury Drive, Santa Monica Boulevard, which is a very heavily travelled highway, is parallel to and on the northerly side of the railroad right of way, while Burton Way is parallel to and near the southerly side of the railroad property. The nearest public crossings over the railroad to Roxbury Drive are located to the southwest at Wilshire Boulevard some 900 feet distant and to the northeast at Rodeo Drive, a distance of approximately 1,100 feet.

The proposed crossing at Roxbury Drive is desired primarily to relieve congestion at the intersection of Wilshire Boulevard and Santa Monica Boulevard, two heavily travelled highways between Los Angeles and the beach district. The evidence shows that at times the traffic becomes so dense at this intersection that even under the direction of police regulation, requiring the traffic to follow only certain courses, delays of considerable magnitude are experienced. Another element that adds to the congestion at this intersection is the fact that the railroad crosses Wilshire Boulevard immediately east of Santa Monica Boulevard. With a crossing over the railroad at Roxbury Drive, it would permit of diverting traffic off Wilshire Boulevard, by way of Roxbury Drive and Carmelita Avenue, and thus avoid the intersection of Wilshire Boulevard and Santa Monica Boulevard. In addition to serving a convenience for through traffic, this crossing, if constructed, will afford a convenient crossing over the railroad for local traffic originating on or in the vicinity of Roxbury Drive in that it will permit of a direct route to Wilshire Boulevard and the business center of Beverly Hills.

Some consideration has been given to the question of effecting a grade separation at the intersection of Wilshire Boulevard and Santa Monica Boulevard, but due to the fact that this improvement will involve a large expenditure of money there has, as yet, been no definite plan worked out for this improvement. If, and when, a grade separation is effected at this intersection, public necessity for a grade crossing at Roxbury Drive would not be great.

The railroad involved at the proposed Roxbury Drive crossing is Pacific Electric Railway Company's so-called "Sawtelle Line" over which there are normally 141 passenger train and 12 freight train movements per day. These trains travel at fairly high rates of speed in the vicinity of Roxbury Drive.

The Los Angeles County Grade Crossing Committee introduced evidence to show that this crossing, if constructed, would be a hazardous one, due to the fact that if the crossing serves the purpose it is intended for it will at times carry a large volume of vehicular traffic over an important railroad with an intersection of Roxbury Drive and Santa Monica Boulevard immediately northwest of the railroad, together with the fact the view of the crossing is somewhat impaired by trees on Santa Monica Boulevard.

From the evidence, it appears that public convenience and necessity require the granting of this crossing contingent upon its being protected by a traffic officer of the police department of the City during times when there is a large volume of vehicular traffic on the highways effecting the crossing. In addition, there should be installed an automatic flagman to protect the crossing during times when the traffic officer is not on duty. The City of Beverly Hills has indicated its willingness to maintain a traffic officer at this grade crossing, if allowed, during Sundays and holidays, when traffic is heavy on the adjacent highways.

Pacific Electric Railway Company submitted estimates showing cost of two different types of crossings that might be constructed at this location. One of a permanent nature to cost \$2,130, and the other of lighter construction to cost \$1,190. Both estimates include an automatic flagman. In view of the fact that these crossings may be in existence only a few years, pending the effecting of a grade separation at Santa Monica Boulevard and Wilshire Boulevard, it appears that in the interest of economy, the cheaper type of construction should be used.

The following form of order is recommended:

O R D E R.

The City of Beverly Hills, having made application for permission to construct either Foothill Road or Beverly Boulevard and Roxbury Drive, respectively, at grade across certain tracks of Pacific Electric Railway Company, in the City of Beverly Hills, a public hearing having been held in this application, the Commission being apprized of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Beverly Hills, County of Los Angeles, State of California, to construct Foothill Road, and Roxbury Drive, respectively, at grade across the tracks of Pacific Electric Railway Company at the locations as shown by the map attached to the application, said crossings to be constructed subject to the following conditions, namely:

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

(2) The crossings shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) percent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing of Foothill Road 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) If and when a grade separation is effected at the intersection of Beverly Boulevard and Pacific Electric Railway Company's said "Hollywood Line," the grade crossing at Foothill Road herein authorized shall be abandoned and effectively closed to public use and travel.

(5) An automatic flagman shall be installed for the protection of said crossing of Roxbury Drive 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.

(6) If and when a grade separation is effected at the intersection of Wilshire Boulevard and Pacific Electric Railway Company's "Sawtelle Line," the grade crossing at Roxbury Drive herein authorized shall be abandoned and effectively closed.

(7) The City of Beverly Hills shall maintain a traffic officer of its police department for the protection of said grade crossing at Roxbury Drive during hours when there is a large volume of traffic on the adjacent highways which affects this crossing, in accordance with a schedule which shall have the approval of the Commission.

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

(9) If said crossings 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.

(10) 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.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

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.

Dated at San Francisco, California, this 12th day of December, 1924.

Cl Seamy

Dwight Martin
Ernest Shore

Commissioners