

ORIGINAL

Decision No. 18506.

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 a crossing at grade over the Pacific Electric tracks at Beverly Boulevard from Santa Monica Boulevard (South) to Santa Monica Boulevard (North) in the City of Beverly Hills.

Application No. 13,599.

R. C. Waitz, for applicant.  
Frank Karr and C.W. Cornell for Pacific  
Electric Railway Company.

BRUNDIGE, COMMISSIONER:

O P I N I O N

This is an application by the City of Beverly Hills for permission to construct Beverly Boulevard across the two main tracks of the Pacific Electric Railway Company's Hollywood-Venice Line in said city.

A public hearing was held in the matter at Beverly Hills on May 4, 1927, on which date the matter was submitted.

The tracks of the Hollywood-Santa Monica line in this vicinity run in a northeasterly and southwesterly direction along the center of a sixty-foot private right-of-way and carry ninety-three (93) passenger and fourteen (14) freight trains daily at fairly high rates of speed. A moderately used spur track is located immediately east of the crossing. The right-of-way is

paralleled by Santa Monica Boulevard, a split highway of which the north roadway is adjacent to the north right-of-way line and the south roadway to the south right-of-way line of the Railroad. The south roadway is less than a mile long and serves only local needs but the north roadway is a wide boulevard and is a through route with a heavy vehicular traffic between Hollywood and the west beaches. Beverly Boulevard, running east and west with a width of sixty (60) feet between curbs, is now in the final stages of improvement as a through route between its junction with Santa Monica Boulevard at this proposed grade crossing in Beverly Hills and the center of Los Angeles City. This route is expected to be heavily traveled. Beverly Boulevard intersects the railroad right-of-way and Santa Monica Boulevard at an angle of thirty-seven (37) degrees. Westbound traffic on Beverly Boulevard would generally turn left into the north roadway of Santa Monica Boulevard because the layout of streets immediately northwest of the intersection is unfavorable for the majority of this traffic. However, several streets intersecting Santa Monica Boulevard about two-thirds of a mile to the southwest will offer convenient connecting routes to an existing continuation of Beverly Boulevard westerly to the ocean.

If and when the applicant herein closes the existing crossing at Foothill Road over this railroad line (an agreed condition to the opening of Beverly Boulevard crossing) the nearest existing crossings would be distant 1700 feet to the northeast and 2500 feet to the southwest from the one discussed herein.

Prior to the filing of the present proceeding, the City of Beverly Hills has twice applied for the crossing now requested: Application No. 8911 was denied in Decision No. 12899,

dated December 4, 1923; and Decision No. 14355, dated December 12, 1924, granted Foothill Road crossing, which, during a hearing on Application No. 10277, was requested as an alternative with Beverly Boulevard. In those decisions the Commission held the opinion that the Beverly Boulevard crossing was not necessary until that boulevard should be a through route into Los Angeles, and further, that said crossing when established should not be at grade.

Said Beverly Boulevard is now a through route, and no objection to the proposed grade crossing was entered in this proceeding. On account of the unfavorable street layout and the expense which would be involved in separating the grades and on account of the probable success of proposed grade crossing protection, it appears unwise to order a separation of the grades at this time.

By agreement made during the hearing, a committee of engineers was named to design a suitable crossing at grade at right angles to the main tracks; this design to supersede that submitted with the above numbered application and to be approved by this Commission before the crossing is constructed.

Protection should be provided for both the normal week-day traffic and for the heavy week-end and holiday traffic at the double-track main line, and also at the adjacent spur track. On account of the extraordinary conditions, it appears that two (2) wigwags are necessary, that a restriction in train speed over the crossing to twenty (20) miles per hour for passenger trains and fifteen (15) miles per hour for freight trains is advisable, and that traffic officers may be required during week-end and holiday peak traffic. Passage of cars or engines over the spur

track crossing should be protected by a company employee acting as a flagman.

Pacific Electric Railway Company estimates the cost of constructing a first-class girder rail crossing protected with two (2) wigwags at Three thousand three hundred (3,300) dollars. It appears reasonable that a large proportion of the cost of the proposed crossing and its protection should be borne by the applicant, but that any coincident expense for material and labor in the nature of maintenance of the Railroad's operative property, should be borne by the Pacific Electric Railway Company; further, that traffic officers, when found necessary for the protection of peak traffic by this Commission, should be furnished by the applicant.

Due consideration of the facts brought forth in this proceeding leads to the conclusion that public convenience and necessity require a public crossing at grade at the location proposed herein.

The following form of order is recommended:

O R D E R

The City of Beverly Hills having made application for permission to construct Beverly Boulevard across certain tracks of the Pacific Electric Railway Company in the city of Beverly Hills, a public hearing having been held on this application, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and they are hereby granted to the City Council of Beverly Hills,

Los Angeles County, California, to construct Beverly Boulevard at grade across the tracks of the Pacific Electric Railway Company, at the location shown by Exhibit "A" attached to the application.

The above crossing shall be identified as Crossing No. 6H-11.6.

Said crossing shall be constructed subject to the following conditions, and not otherwise:

1. The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Pacific Electric Railway Company. The maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant in any manner whatsoever to the operative property of the Pacific Electric Railway Company.

2. The crossing shall be constructed at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed in accordance with a plan to be approved by this Commission, substantially in accordance with Standard No. 4, as specified in General Order No. 72 of this Commission; shall be protected by two (2) Standard No. 1 crossing signs as specified in General Order No. 75 of this Commission, and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

3. Two (2) wigwags shall be installed for the protection of this crossing, at the sole expense of the applicant;

said wigwags shall be installed in accordance with Standard No. 3 as specified in General Order No. 75 of this Commission. The cost of maintenance of said wigwags shall be borne by the Pacific Electric Railway Company.

4. The City of Beverly Hills shall maintain a traffic officer or traffic officers sufficient for the protection of this crossing during such hours as the greatest volume of traffic moves over the adjacent highways. Said hours of protection shall be selected by the Commission from traffic counts taken by the applicant by hours for a normal week day, a holiday and a weekend during the month of July, 1927; said traffic counts to be submitted to the Commission.

5. No train, motor, engine, or car shall be operated in other than freight service across said crossing at a speed in excess of twenty (20) miles per hour. No such operation in freight service shall exceed fifteen (15) miles per hour.

6. No train, motor, engine, or car shall be operated on the spur track located approximately one hundred (100) feet east of this crossing, unless said train, engine, motor, or car shall be under full control, and unless traffic on the highway be protected by a member of the train crew, or other competent employee acting as flagman.

7. The existing public crossing of Foothill Road, located approximately four hundred (400) feet southwest of the crossing authorized herein, shall be legally abandoned and effectively closed to public use and travel upon completion of the crossing herein granted.

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

the installation of said crossing.

9. 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.

10. 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.

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 14<sup>th</sup> day of June, 1927.

Commissioners.