

Decision No. 18937

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Beverly Hills,)
municipal corporation,)
Complainant,)
vs)
Pacific Electric Railway)
Company, a corporation,)
Defendant.)

Case No. 2308.

ORIGINAL

BY THE COMMISSION:

O P I N I O N

In the above entitled complaint, filed January 11th, 1927, the City of Beverly Hills seeks to have this Commission issue an order requiring the Pacific Electric Railway Company to install adequate shelter stations along its right-of-way on its Hollywood and Sawtelle-Santa Monica lines. One shelter shed is requested to be located on the Hollywood line at Beverly Boulevard at the stop known as Lewis and three shelter sheds are requested on the Sawtelle-Santa Monica line at Foothill Road, Doheny Drive and Preuss Road, and as shown by numerals 1, 2, 3 and 4 on Exhibit 1, attached to the application.

Complainant states that defendant maintains a regular passenger station at the intersection of Canon Drive and Santa Monica Boulevard, which station serves both lines of railway; that there are many passengers of the defendant railway corporation residing in the City of Beverly Hills, who get on and off the trains of said corporation at regular stops other than the station above referred to; that the four stops above referred to are the most

important stops other than the regular station at Canon Drive.

Pacific Electric Railway Company, in its answer to the complaint, alleges that there is no more necessity for shelter stations at the points designated above than at many other points on its lines where shelter stations are not provided; that shelter stations are not necessary at said locations, as the passengers to be accommodated know when trains are due at these stopping points and they are therefore at the stopping points but a very short time; that the railway company has established a uniform practice of establishing shelter stations where there is a reasonable amount of traffic, providing the residents of any particular community involved, or persons desiring a shelter station, will contribute one-half of the cost of construction. Defendant alleges that this is a reasonable requirement and that to deviate therefrom would create a discrimination as to other districts; that one-half the cost of construction is only a small portion of the ultimate cost, as the defendant must furnish electric current for lighting the station and have the burden of maintenance of the station. The defendant is willing to comply with such practice in this case if the complainant will contribute one-half of the cost of any shelter stations found necessary.

Inspection by the Transportation Division of the Engineering Department of the Commission shows that without exception the territory in question is well built up, residential in nature and that the shelters are undoubtedly justified.

Sometime since the filing of the complaint, the City of Beverly Hills and the Pacific Electric Railway Company have agreed upon a type of shelter shed to be built at the four locations, and have also agreed upon an equal division of cost of their construction and each party has so advised this Commission by letter and

has also requested that an order be entered in this proceeding according thereto. It appears to the Commission that this is not a case in which a public hearing is necessary, that the shelter sheds are undoubtedly justified and that the agreement as to prorating the cost equally between the parties is justified and that this complaint should be granted, therefore

O R D E R

IT IS HEREBY ORDERED that Defendant, Pacific Electric Railway Company construct and maintain four (4) shelter sheds on its Hollywood Line at the stop known as Lewis and on its Sawtelle-Santa Monica Line at Foothill Road, Doheny Drive and Preuss Road, all in the City of Beverly Hills, Los Angeles County, California, and shown by numerals 1, 2, 3 and 4 on map (Exhibit 1) attached to the application.

Said shelter sheds shall be established subject to the following conditions:

(1) The cost of constructing said shelter sheds shall be borne equally by Pacific Electric Railway Company and City of Beverly Hills.

(2) The cost of lighting and the cost of maintaining said shelter sheds shall be borne by Pacific Electric Railway Company.

(3) Plans of said shelter sheds approved by the interested parties shall be filed with the Commission within thirty (30) days after the date of this order.

(4) Pacific Electric Railway Company shall, within thirty (30) days thereafter, notify this Commission, in writing, of the installation of said shelter sheds.

(5) The Commission reserves the right to make such further orders relative to the location, construction and maintenance of said shelter sheds as to it may seem right and proper and to re-

voke its order herein if, in its judgment, public convenience and necessity demand such action.

The effective date of this order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 19th day of October, 1927.

Emmuel J. Edwards
C. C. Seamy
Leon Whitell
David Powell
M. J. Carr

Commissioners.