

Decision No. 22873

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 Railway Company's tracks and right of way, Santa Monica Line, from Santa Monica Boulevard (South) to Santa Monica Boulevard (North) in the City of Beverly Hills, Los Angeles County, California, at Linden Drive and at Bedford Drive.

ORIGINAL

APPLICATION NO. 16376

R. C. Waltz, City Attorney, for Applicant.

C. W. Cornell, for Pacific Electric Railway Company, Protestant.

BY THE COMMISSION:

OPINION

The City of Beverly Hills has petitioned the Commission for authority to construct two public streets, known as Bedford Drive and Linden Drive, at grade across the tracks of Pacific Electric Railway Company in said City.

A public hearing was conducted by Examiner Gannon at Beverly Hills on June 20, 1930, and the matter was duly submitted.

Bedford and Linden Drives, extending in a general north and south direction, are constructed on either side of the Railway Company's tracks, but do not cross them.

The railway line involved in this proceeding is that of Pacific Electric Railway Company over which operate trains between Los Angeles, Hollywood and Santa Monica and west coast beaches.

Said line extends in a general east and west direction at the location of the proposed crossings and is situated on a private right of way which lies between the two roadways of Santa Monica Boulevard.

Parallel to and between the Railway Company's sixty-foot right of way and the southerly roadway of Santa Monica Boulevard, is a privately owned strip of land thirty-five feet in width. The construction of buildings on this strip of land adjacent to Bedford Drive or Linden Drive would seriously obscure the view conditions at the crossings.

Linden and Bedford Drives, extending through a well developed, high class residential section north of the tracks, are constructed to and beyond Sunset Boulevard, while they extend through the rapidly developing business section of Beverly Hills south of the tracks, and are constructed to the southerly city limits. The record shows that there is a considerable amount of local communication between these two districts. These two streets do not accommodate any through traffic, but do take care of a considerable amount of local traffic. At the intersection of Wilshire Boulevard and Santa Monica Boulevard, an intersection of extremely heavy traffic, eastward traffic on the southerly portion of Santa Monica Boulevard is not permitted to make a left turn to the northerly portion of Santa Monica Boulevard, which is the through portion of said Boulevard to Hollywood and Los Angeles. As a consequence, this traffic must select one of the crossings east of Wilshire Boulevard.

Beverly Hills, during the past ten years, has shown a growth in population of 2486 per cent, and apparently is continuing to grow at a rapid rate. The two proposed crossings are located in what might be termed the heart of this development.

The Railway Company's tracks at the location of the proposed crossings are on a fill approximately five feet above the grade of

the southerly roadway of Santa Monica Boulevard, the center line of which is located 32.5 feet south of the Railway Company's north right of way line.

The City proposes to lower the tracks between a point forty feet west of the west line of Beverly Drive and the northeast line of Wilshire Boulevard, a distance of approximately 2200 feet, so as to provide maximum approach grades of five per cent at the proposed crossings. The City also proposes to relocate the tracks so that the center line of same shall be 16.5 feet south of the Railway Company's north right of way line, in order to provide better view conditions to the north bound vehicular traffic at the proposed crossings.

The lowering and relocation of the tracks will also improve the approach grade and view conditions at the existing crossings of Rodeo, Camden and Roxbury Drives.

The record shows that the consummation of the plan to lower and relocate the tracks would be very doubtful, unless the two proposed crossings were constructed.

The vehicular traffic which would use these crossings has been estimated to be approximately 1500 vehicles daily. The railway traffic over the proposed crossings consists of six freight trains and 203 passenger trains daily at a speed of approximately thirty miles per hour.

The cost of lowering and relocating the tracks, as proposed, together with the cost of constructing the crossings, including two Standard No. 3 wigwags at each crossing, has been estimated to be approximately \$41,000. Counsel for the City of Beverly Hills advised that the City was willing to bear the entire cost of said work.

We are of the opinion that if these crossings are to be constructed, the tracks should be lowered and relocated as proposed, and that the crossings should each be protected by two Standard No. 3 wigwags.

The Pacific Electric Railway Company admitted that a large local convenience would be served by the construction of the two crossings, but was opposed to the granting of the application on the ground that the existing crossings were sufficient to accommodate present vehicular traffic.

After carefully considering all of the evidence on this proceeding, we are of the opinion and hereby conclude and find as a fact that public convenience and necessity warrant the construction of Linden and Bedford Drives at grade across the tracks of Pacific Electric Railway Company in the City of Beverly Hills.

O R D E R

A public hearing having been held on the above entitled application, the matter having been duly submitted, and the Commission being fully advised,

IT IS HEREBY ORDERED that authority be, and it is, hereby granted to the City Council of the City of Beverly Hills, County of Los Angeles, State of California, to construct Bedford and Linden Drives at grade across the tracks of Pacific Electric Railway Company, at the locations as shown by the map (Exhibit No. 1) introduced in evidence in this proceeding.

The above crossings shall be identified as follows:

Bedford Drive, Crossing No. 6S-10.36.

Linden Drive, Crossing No. 6S-10.50

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

1. The entire expense of constructing the crossings shall be borne by applicant. The cost of maintenance of those portions of

said crossings outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of those portions of the crossings between lines two (2) feet outside of the outside rails shall be borne by Pacific Electric Railway Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossings shall be assessed by applicant, in any manner whatsoever, to the operative property of Pacific Electric Railway Company.

2. The crossings shall be constructed of a width not less than forty-three (43) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to Standard No. 3 as specified in General Order No. 72 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

3. Two Standard No. 3 wigwags, as specified in General Order No. 75 of this Commission, shall be installed and maintained at each of said crossings. The cost of installing said wigwags shall be borne by applicant, and the cost of maintaining same shall be borne by Pacific Electric Railway Company.

4. The tracks over said crossings shall be lowered and relocated, as shown on Exhibit No. 1, introduced in evidence in this proceeding. The cost of said lowering and relocation of tracks shall be borne by applicant.

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

