

Decision No. 21695.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the People of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a crossing at grade across the tracks of the Pacific Electric Railway Company, at the intersection of Culver Boulevard and Roosevelt Highway, Los Angeles County, California.

ORIGINAL

Application No. 17492.

Frank B. Durkee, for Department of Public Works, State of California.

Frank Karr, for Pacific Electric Railway Company, Protestant.

O. F. Cooley, for County of Los Angeles, Interested Party.

BY THE COMMISSION:

O P I N I O N

The people of the State of California, on relation of the Department of Public Works, filed the above entitled application with this Commission on June 27, 1931, seeking authority to construct a state highway, known as Roosevelt Highway, at grade across the tracks of Pacific Electric Railway Company, in the vicinity of Venice, County of Los Angeles.

Applicant, on January 15, 1932, filed an amended application seeking authority to construct said crossing at separated grades.

A public hearing on said application was conducted by Examiner Kennedy, at Los Angeles, on March 24, 1932, at which time the matter was duly submitted.

Applicant now maintains a public highway, known as Roosevelt Highway, between Oxnard and Santa Monica, the major portion of which is constructed along the coast of the Pacific Ocean. It is now proposed to extend this highway from Santa Monica southerly to a point near San Juan Capistrano, in Orange County, connecting at that point with State Highway Route No. 2, which is the main highway to San Diego. The extension of the Roosevelt Highway southerly will involve a crossing with Pacific Electric Railway Company's Redondo via Del Rey Line, which is a double track, electric rail line operating between Los Angeles and Redondo Beach via Palisades Del Rey. Culver Boulevard, a paved county highway, is constructed parallel and immediately adjacent to the Railway Company's right of way in the vicinity of the proposed crossing.

Applicant proposes to construct Roosevelt Highway, paved to a width of sixty feet, under both the tracks of the Pacific Electric Railway Company and Culver Boulevard; the separation to be effected by raising the railway tracks and the roadway of Culver Boulevard approximately eighteen feet above the grade of the state highway. The estimated cost of the separation is \$180,000, exclusive of paving, \$110,000 of which is the cost of effecting the separation between the state highway and the railroad, and \$70,000 for the separation between the state highway and Culver Boulevard.

Roosevelt Highway is designed as a primary state highway, and the record shows that it is estimated that said highway, at the point of the proposed separation of grades, will carry a peak vehicular traffic, within two years after opening, of 25,000 cars per day. The rail traffic at this point consists of fifty electric passenger and two freight train movements daily.

The detailed plans for said separation were prepared by the Pacific Electric Railway Company and approved by State Division of Highways.

The Pacific Electric Railway Company opposed any assessment for the construction of the separation of grades, due, principally, to its present financial condition and its inability to secure money for capital expenditures, other than absolute necessities, at the present time. As evidence of the declining revenues, representatives of the Railway Company testified that the gross earnings of the Company for 1931 were \$13,281,618, compared to \$21,641,553 for 1923, and that during the months of January and February 1932, the Company failed, by substantial amounts, to earn sufficient revenue to pay operating expenses and taxes.

This Commission is fully aware of the financial condition of the Pacific Electric Railway Company, and the effect of the present generally depressed conditions upon its revenue, and we realize the necessity for this Company to effect all reasonable economies in operations and expenditures. On the other hand, the Company's difficulty to secure money should not be used as the final test in determining the necessity for a grade separation at this location. It appears from the record in this case that it may be possible for the Railway Company to arrange with the applicant for spreading the Railway Company's portion of the cost of this separation over a reasonable period of time, so that the difficulty of financing its portion of the work will be materially decreased.

The record shows that applicant and the Railway Company prepared plans for this separation some time ago, and a tentative agreement was reached, whereby applicant would bear 75% and the Railway Company 25% of the cost chargeable to the separation of the grades of the state highway and the railroad tracks. It appears that subsequent to this tentative agreement, the Railway Company's financial condition became more aggravated, and the agreement was withdrawn. The record further shows that applicant

and the County of Los Angeles have entered into an agreement relative to the apportionment of cost of that portion of the separation chargeable to the separation of the two highways.

The Railway Company suggested that the crossing be constructed at grade at the present time, with a definite plan of separating the grades at a later date when there would be a greater public need, and the Company would be in a better financial position to meet its assessment of the cost of such a separation. Applicant, on the other hand, was not in favor of constructing this important highway temporarily at grade across this electric rail line and contended that a delay of a few years may require an expenditure considerably higher than at present for the construction of this separation of grades.

After carefully considering all of the evidence in this proceeding, we are of the opinion, and hereby conclude, that a state highway of the importance of the highway involved in this proceeding should cross the railway tracks at separated grades and that Pacific Electric Railway Company should contribute \$20,000. toward the cost of the separation.

#### O R D E R

The People of the State of California, on relation of the Department of Public Works, having filed the above entitled application, a public hearing having been held and the Commission being fully appraised of the facts,

IT IS HEREBY ORDERED that The People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a public highway known as Roosevelt Highway, at separated grades under the main line tracks of Pacific Electric Railway Company in the vicinity of Venice,

County of Los Angeles, State of California, at the location more particularly described in the application and in accordance with the detailed plans (Exhibit No. 2) introduced in evidence in this proceeding, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. 6F-13.41-B.
- (2) Pacific Electric Railway Company shall bear \$20,000. of the expense of constructing said undergrade crossing and the remaining expense shall be borne by applicant.
- (3) The expense of maintaining the track and superstructure shall be borne by Pacific Electric Railway Company. The expense of maintaining lights and pavement, together with any other expense incident to the maintenance of this undergrade crossing, shall be borne by the applicant.
- (4) Said crossing shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup> day of April, 1932.

C. J. Scully  
Leon A. Wood  
M. J. Am  
M. B. Harris  
Jos. G. Albrecht  
 Commissioners.