

ORIGINAL

Decision No. 28854.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application  
of the COUNTY OF LOS ANGELES for  
construction of overhead crossing  
on La Tijera Boulevard over right  
of way of Pacific Electric Railway.)

Application No. 19076.

J. H. O'Connor, for Applicant.

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

BY THE COMMISSION:

O P I N I O N

The County of Los Angeles filed the above entitled application seeking authority to construct La Tijera Boulevard at separated grades over the Pacific Electric Railway Company's Venice-Inglewood Line and requesting that the Commission allocate the cost of said separation between applicant and the Pacific Electric Railway Company.

A public hearing on said application was conducted by Examiner Hunter, at Los Angeles, on November 24, 1933, at which time the matter was duly submitted.

La Tijera Boulevard is now being constructed in a general northeasterly and southwesterly direction between La Brea Avenue and Slauson Avenue, in the County of Los Angeles, and when completed will afford the most direct route between the northwesterly portion of Los Angeles and the southwest coast beaches. The county proposes to construct the highway with a roadway width of forty feet and it is estimated it will accommodate a very heavy vehicular traffic which will

amount to as high as 18,000 vehicles on Sundays and holidays.

The railroad involved is the Pacific Electric Railway Company's Inglewood Line, the normal operation over which consists of two single car express trains and two single car freight trains. The track at the proposed point of crossing is located in a narrow draw approximately thirty feet deep.

The record shows that applicant would not have proposed a grade separation over this unimportant rail line but for the fact that the topography at the point of proposed crossing makes a grade separation the most practical means of access over the track.

The cost of constructing this grade separation, exclusive of paving, was estimated by the county to be approximately \$39,000.

The Pacific Electric Railway Company did not oppose applicant's plan to effect this separation, nor did it take the position that the new highway was not reasonably necessary to meet vehicular traffic needs, but it did contend that it would receive no benefit from the proposed separation which cannot be economically justified solely for the purpose of avoiding a grade crossing with this very unimportant railroad, therefore it should not be called upon to bear any portion of the expense of constructing same. The record shows that for the eleven months' period ending October 31, 1933, the railway company transported over its Inglewood Line between the point of proposed grade separation and Inglewood an average monthly traffic of thirty-one tons of freight and twelve tons of express. The General Manager of the Pacific Electric Railway Company testified that the separation would be of no benefit to his company and should it be called upon to bear any substantial amount of the cost of same, it might, in view of the comparatively low earnings, have to request abandonment of that portion of the line between Inglewood and the

grade separation.

The record is clear that applicant does not propose a grade separation on the basis that such an improvement is necessary to effect a safe and adequate crossing for vehicular traffic over the railroad but only on the basis that a grade crossing is not feasible due to topographical reasons. If a grade crossing were practical, undoubtedly the county would be agreeable to constructing same at its sole expense, which procedure was followed at a nearby crossing of an important county road over this same railroad. The county's Assistant Road Commissioner pointed out that had it not been for the presence of the railroad, the county would undoubtedly have spanned the draw at a much lower level with a solid fill and culvert, the cost of which was estimated to be approximately \$10,000 less than under the proposed plan.

In considering the allocation of costs in this particular case we must consider the benefits which each class of the public, viz., the vehicular public on the one hand and the shipping public on the other, would receive from a separation of grades. The fact that the presence of the railroad makes the construction of the highway across the draw somewhat more expensive, in itself should not be taken as a sole criterion to require the railroad to participate in the cost inasmuch as this situation does not appear much different from other privately owned property located in the path of new highway construction which would require a greater expense than if such did not exist, neither should the earnings of the line determine the railroad's obligation to participate in the cost of separation, particularly if the railroad would be benefited by the separation.

The record shows some testimony relative to assessing the railroad with an amount equivalent to the capitalized maintenance cost of a grade crossing. In this particular case, inasmuch as we feel that the railroad company should be required to maintain the

substructure of the separation, which cost may amount to approximately the same as that of maintaining a grade crossing, the railroad is in the same financial position with either a grade crossing or a grade separation.

After carefully considering all of the evidence in this proceeding it appears that this separation of grades is necessitated for topographical reasons and not as a result of railroad traffic, so that in so far as the allocation of costs is concerned it would be analogous to a grade crossing case and consequently the entire cost should be assessed to applicant.

#### O R D E R

The County of Los Angeles having filed the above entitled application, a public hearing having been held and the Commission being fully apprised of the facts,

IT IS HEREBY ORDERED that the County of Los Angeles is hereby authorized to construct a public road known as La Tijera Boulevard at separated grades over the Inglewood Branch track of Pacific Electric Railway Company in the vicinity of Inglewood, County of Los Angeles, State of California, at the location more particularly described in the application and substantially in accordance with and as shown by the plan (Exhibit "A"), attached to the application, subject to the following conditions:

- (1) The above mentioned separation shall be identified as Crossing No. 6AB-7.77-A.
- (2) The entire expense of constructing said separation in good and first-class condition for safe and convenient use of the public shall be borne by applicant.

- (3) The cost of maintaining said grade separation shall be borne in accordance with an agreement to be hereinafter entered into by the interested parties, a certified copy of which shall be filed with this Commission for its approval within ninety (90) days from and after the date hereof. Should said agreement not be filed within this period and further time be not granted by subsequent order, said maintenance costs shall be apportioned by supplemental order herein.
- (4) Applicant shall, prior to the commencement of construction, file with the Commission for its approval a set of plans for said separation, which plans shall have been approved by the interested parties.
- (5) Said separation shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said separation and of its compliance with the conditions hereof.
- (7) 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 December, 1933.

*C. Cheney*  
*Leon S. Whittell*  
*W. J. Cunn*  
*W. B. Harris*  
*Walter A. ...*