

ORIGINAL

Decision No. 42403

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 City of Arcadia, a municipal corporation, )  
 for an order authorizing the construction )  
 at grade of Golden West Avenue across the ) Application  
 right of way and property of Pacific Electric ) No. 28747  
 Railway Company, a corporation, and to effect )  
 the extension of Golden West Avenue. )

In the Matter of the Application of the City )  
 of Arcadia, a municipal corporation, for an )  
 order authorizing the construction at grade ) Application  
 of Sunset Boulevard across the right of way ) No. 28748  
 and property of Pacific Electric Railway )  
 Company, a corporation, and to effect the )  
 extension of Sunset Boulevard. )

C. W. Cornell for Pacific Electric Railway Company,  
 petitioner. T. Guy Cornyn for City of Arcadia.  
 G. D. McDonald for Road Department, County of  
 Los Angeles.

OPINION ON REHEARING

By Decision No. 42100, on Application Nos. 28747<sup>(1)</sup> and  
 28748, the City of Arcadia was authorized to construct Sunset Boule-  
 vard at grade across the tracks of the Pacific Electric Railway  
 Company. The costs were allocated between the city and the railway  
 company, as set forth in paragraph 3 of the order in said decision.

Pacific Electric Railway Company duly filed its petition for  
 rehearing which was granted:

"...only for the purpose of determining a proper division and  
 allocation of costs therein as between the parties in interest  
 (City of Arcadia, Pacific Electric Railway Company, and County  
 of Los Angeles), pursuant to Application No. 28748, under the  
 aforesaid decision, the said decision in all other respects to  
 remain in full force and effect".

(1)  
 Application No. 28747, requesting authority to construct Golden  
 West Avenue at grade across the right of way of petitioner was  
 dismissed.

A review of the record in the original proceeding shows the estimated cost and allocation to be as follows:

Allocation of Estimated Cost  
Sunset Blvd. Crossing at Grade

	City of Arcadia	Percent	P. E. Ry. Co.	Percent
Grading & Paving Street	\$7,500.00	100%	---	0%
Paving Tracks	621.00	100%	---	0%
Relocating Station	625.00	100%	---	0%
Track Work	1,380.50	50%	\$1,380.50	50%
Signals (exclusive of circuit control)	1,111.50	50%	1,111.50	50%
Circuit Control	---	0%	1,250.00	100%
	<u>\$11,238.00</u>	<u>74.29%</u>	<u>\$3,742.00</u>	<u>25.71%</u>

Pacific Electric Railway Company contends that it should be required to bear only the estimated cost of installing track circuit controls in the sum of \$1,250 because, in its opinion it will not be benefited by the construction of said crossing to replace the present Michillinda Avenue crossing; that the order in Decision No. 42100 requires a "large expenditure of money for construction of the Sunset Boulevard crossing before it is known that the Michillinda Avenue Crossing will be closed"; that the County of Los Angeles will be benefited by the construction of the said crossing and, therefore, part of the expense should be borne by said county.

The testimony of the witnesses at the rehearing was repetitious or cumulative of evidence adduced at the original hearing and not probative of any of petitioner's contentions.

We have reviewed the entire record of these proceedings and we do not find any justification or basis for allocating any of the cost of constructing the Sunset Boulevard crossing to the County of Los Angeles. As between the City of Arcadia and the Pacific Electric Railway Company, we are of the opinion and find, upon the

(2)  
evidence of record, that the costs as previously allocated are fair, just and equitable and, therefore, the order in Decision No. 42100 will be affirmed.

ORDER ON REHEARING

A rehearing having been held in the above-entitled matter, the Commission being fully advised in the premises and good cause appearing,

IT IS HEREBY ORDERED that Decision No. 42100, in Application No. 28748 be, and the same hereby is affirmed.

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

Dated at San Francisco, California, this 4<sup>th</sup> day of January, 1949.

R. E. Anderson  
Justice C. C. Allen  
Justice F. A. Bell  
Harold P. Hule  
Francis P. Brown  
COMMISSIONERS

(2) Petitioner's contention that it will derive no benefit from the construction of said crossing is not supported by the record. Several witnesses testified that a new business district is in the process of being developed in the immediate vicinity of the intersection of Sunset Boulevard and Huntington Drive and that the proposed crossing is an important and necessary improvement. Increased passenger travel is a natural consequence of community development. The evidence also indicates that the Sunset Boulevard crossing would be an improvement over the present Michillinda Avenue crossing from a safety standpoint.