

ORIGINAL

Decision No. 50420

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PACIFIC ELECTRIC RAILWAY COMPANY, a	:	
corporation, for authority to sell)	Application
a portion of its abandoned right of way	:	No. 35348
in Cahuenga Pass, Los Angeles, to the)	
State of California.	:	
-----)	

E. D. Yeomans, for Pacific Electric Railway Company;
Warren P. Marsden and Paul Overton, for State
 Department of Public Works, Division of Highways,
 interested party; Alan Campbell, Assistant City
 Attorney, and T. E. Hoffman, Public Utilities
 Engineer, by T. E. Hoffman, for Department of Public
 Utilities and Transportation, City of Los Angeles,
 interested party; Ralph P. Merritt, for Los Angeles
 Metropolitan Transit Authority, protestant; Carl F.
Fennema, for Downtown Businessmen's Association,
 protestant; Arthur F. Ager, Supervising Transporta-
 tion Engineer, for the staff of the Commission.

O P I N I O N

This is an application for an order of the Commission authorizing Pacific Electric Railway Company to sell to the State of California a portion of its abandoned right of way in Cahuenga Pass consisting of approximately 7.94 acres. The state desires to purchase the property so that it will not pass into the possession of a private owner and it proposes to utilize it for future expansion of its highway system and possibly for emergency parking lanes. The agreed purchase price is \$26,100.

Applicant formerly operated rail passenger service over the property it now desires to sell. In 1953, under authorization granted by Decision No. 47565, dated August 11, 1952, as amended, it replaced its rail service with motor coach service and subsequently, under authorization granted by Decision No. 48923, dated August 4,

1953, it disposed of its passenger business to Metropolitan Coach Lines. Ordering paragraph 8 of the order of the Commission authorizing the discontinuance of rail service provided as follows:

"(8) That the existing right of way and access facilities of applicant on its Los Angeles-Van Nuys Line between the presently established stop known as Cahuenga Pass and located near the junction of Cahuenga Boulevard and Highland Avenue, on the one hand, and, on the other, Vineland Avenue, shall not be alienated without prior approval of this Commission and until such time as satisfactory arrangements have been made as to loading zones for motor coaches operating over the freeway in that area."

Because of this provision in the Commission's order, applicant has filed this application for authorization to sell its abandoned right of way, although such property no longer is used or useful in its remaining operations.

A public hearing in the matter was held before Commissioner Potter and Examiner Coleman in Los Angeles on July 27, 1954. At the hearing protests to the sale were made by representatives of the Downtown Businessmen's Association and the Los Angeles Metropolitan Transit Authority.

The spokesman for the Downtown Businessmen's Association took the position that abandoned rail rights of way, whenever possible, should be protected so that they could be used for mass transit purposes if and when such possibility were to arise and he requested the Commission to defer for one or two years its action on the pending request in order to permit study on the traffic and transportation needs of the community. The representative of the Los Angeles Metropolitan Transit Authority requested that action by the Commission be deferred for not more than one year in order to permit further consideration and study of the proposal of the transit authority to construct and operate a mass rapid transit system which would include the use of the Cahuenga Pass right of way.

The property involved in this proceeding consists of a strip of land in the middle of an existing freeway. According to the record, the property abutting on one end of the strip is owned by the state and that on the other end by the City of Los Angeles, subject, possibly, to certain reversionary rights in favor of the state. It is not our intention to pass on the matter of ownership. It appears to us that the property within the freeway, except that owned by applicant, already is held by public authority, either state or city, and that the mass rapid transit system, should it be developed at a later date, can acquire from the state the property which is the subject of this application as readily as it can acquire any other property it might require for its purposes.

From our review of the record we are of the opinion that the application now is ready for decision, that the reason for the requirement in ordering paragraph 8 of the order in Decision No. 47565 no longer exists, the freeway having been completed and access facilities provided, and that the sale to the state, as now proposed, will not be adverse to the public interest and will not interfere with the public use of the freeway nor with the ultimate development of a mass rapid transit system in the territory. Therefore, we will enter an order approving the proposed transaction.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be sold.

ORDER

A public hearing having been held on the above entitled matter, and the Commission having considered the evidence and being of the opinion that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Pacific Electric Railway Company may sell to the State of California the portion of its abandoned right of way in Cahuenga Pass referred to in this application.

2. The authority herein granted will become effective 20 days after the date hereof.

Dated at San Francisco, California, this 17th day of August, 1954.

President

Commissioners