

ORIGINAL

Decision No. 12950

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of
the City of Glendale, a municipal cor-
poration, for permission to install a
grade crossing over the tracks of the
Pacific Electric Railway Company at
Justin Avenue.) Application No. 9339.

In the matter of the application of
the City of Glendale, a municipal cor-
poration, for permission to install a
grade crossing over the tracks of the
Pacific Electric Railway Company at
Kenilworth Avenue.) Application No. 9340.

In the matter of the application of
the City of Glendale, a municipal cor-
poration, for permission to install a
grade crossing over the tracks of the
Pacific Electric Railway Company at
Concord Street.) Application No. 9341.

L. R. Tarr, Assistant City Attorney of Glendale,
for applicant.

Frank Karr, for Pacific Electric Railway Company.

J. Allen Davis, and E. E. East, for Los Angeles
County Grade Crossing Committee.

BY THE COMMISSION:

O P I N I O N

In the above entitled applications the City of Glendale asks permission to construct grade crossings over the Burbank line of Pacific Electric Railway Company at Justin Avenue, Kenilworth Avenue and Concord Street, respectively.

A public hearing was held on these applications before Examiner Williams in the City of Glendale on October 25, 1923 at

which time it was stipulated that the three proceedings be consolidated for hearing and decision.

The Pacific Electric Burbank line extends from Brand Boulevard in a westerly and northwesterly direction through a residential section of the City of Glendale for a distance of approximately two and one-half (2½) miles a portion of this section being only partially developed. For the major portion of the distance there is a street located immediately adjacent to the private right of way of the railroad on each side thereof. There are seventy-two passenger trains, two freight trains and four express trains operated over this track daily and at the points where the crossings are requested. Most of the trains are run in single car units at speeds that are normally from thirty to forty miles per hour. The view at present is practically unobstructed in all directions at each of the crossings covered in these applications and the evidence indicates that the hazard of a crossing at any of these locations would not be substantially greater than that which exists at any ordinary grade crossing. The principal issue, therefore, is as to whether or not public convenience and necessity at this time justifies any or all of these particular additional grade crossings.

The proposed crossing of Justin Avenue is situated approximately three-fourths mile southeasterly from the northwesterly city limits of the City of Glendale. Justin Avenue is a short street which, even if constructed across the railroad, would extend only from San Fernando Road to Kenneth Road, a distance of little more than one-half mile. There are crossings now at Western Avenue and at Sonora Avenue which are located approximately eight hundred feet northwesterly and southeasterly, respectively, from the proposed crossing of Justin Avenue. Both Western Avenue and Sonora Avenue are considerably longer streets than Justin Avenue. Immediately northeast of the railroad there is a public school on Justin Avenue but the mere presence of this school would not

appear to justify the installation of an additional grade crossing within eight hundred feet of existing crossings particularly since Fourth Street, paralleling the railroad's right of way and adjacent thereto on each side may be used as a direct means of communication between the existing crossings.

The proposed crossing of Kenilworth Avenue is located approximately one and one-half miles southeasterly from the proposed Justin Avenue crossing. At the point where Kenilworth Avenue intersects the railroad the track runs in an easterly and westerly direction and is paralleled by Gilbert Street adjacent to the railroad's right of way on each side thereof. Pacific Avenue is an important northerly and southerly thoroughfare crossing the track a little less than one thousand feet east of the proposed Kenilworth Avenue crossing but the nearest crossing to the west is located approximately one mile away at Grandview Avenue which is also an important northerly and southerly thoroughfare. The intervening territory is at present not thickly built up but is being subdivided and developed for residential purposes.

It appears that most of the travel from this territory would be easterly toward the business district of Glendale and that the present requirements of the territory adjacent to Kenilworth Avenue does not justify the hazard of an additional grade crossing at this point.

The proposed Concord Street crossing would be situated approximately twelve hundred feet westerly from the proposed Kenilworth Avenue crossing and there is no question but that a crossing at this location would serve a greater public convenience than at either of the other locations proposed. It has not been shown, however, that there has as yet developed a sufficient need for a crossing even at this point to justify the hazard of such an additional grade crossing except for the use of pedestrians only. Inasmuch as

Concord Avenue will be a stop for the discharging or picking up of passengers it would seem proper that a pedestrian crossing be authorized at this point.

It was shown that there is a point approximately one thousand feet westerly of the proposed Concord Street crossing, where, due to a sag in the grade line of the railroad, it would be entirely feasible to raise the grade of the railroad so as to provide headroom for an undergrade crossing, at approximately the location where Highland Avenue extended would intersect the railroad. An undergrade crossing so situated would divide the distance between the two existing grade crossings of Grandview Avenue and Pacific Avenue into more nearly equal parts than would a crossing at Concord Street.

O R D E R

The City of Glendale having made application for permission to construct three grade crossings of the track of Pacific Electric Railway Company at Justin Avenue, Application No. 9339, Kenilworth Avenue, Application No. 9340, and Concord Street, Application No. 9341, respectively, a public hearing having been held, the Commission being apprised of the facts, the matters being under submission and ready for decision,

IT IS HEREBY ORDERED, that the above entitled application for permission to construct a grade crossing over the tracks of Pacific Electric Railway Company at Justin Avenue be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED, that the above entitled application for permission to construct a grade crossing over the tracks of Pacific Electric Railway Company at Kenilworth Avenue

be and it is hereby denied.

IT IS HEREBY FURTHER ORDERED, that the City of Glendale be and it is hereby granted permission to construct a grade crossing for the use of pedestrians only at grade across the track of Pacific Electric Railway Company at Concord Street, located within the following described property:

A piece or parcel of land situated in the City of Glendale, County of Los Angeles, State of California and being all of that portion of the right of way of the Pacific Electric Railway Company lying between the northerly prolongations of the easterly and westerly lines of that portion of Concord Street lying southerly of Gilbert Street, being a strip of land sixty (60) feet in width.

said crossing to be constructed subject to the following conditions:

(1) The entire expense of constructing said crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Pacific Electric Railway Company.

(2) Said crossing shall be constructed of a width not less than twelve (12) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than six (6) per cent; shall be protected by two suitable wing-fences across the right of way, except over the tracks themselves.

(3) Said crossing shall be protected by a suitable crossing sign, and shall in every way be made safe for the passage of pedestrians thereover. Posts or turn stiles shall be placed across said crossing at the railroad's right of way lines in such a manner as to permit free passage of pedestrians, and to effectively prevent the passage of vehicles.

(4) Applicant shall, within thirty (30) days thereafter

notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

This order shall become effective ten (10) days from the making thereof.

Dated at San Francisco, California, this 27th day of December, 1923.

C. Seaver
James W. Martin
Garland Shore
Commissioners.