

Decision No. 14763.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the
CITY OF GLENDALE, a municipal corpora-
tion, for permission to install a grade
crossing over the tracks of the Pacific
Electric Railway Company at Palmer
Avenue.

Application No. 10736.

Ray L. Morrow, City Attorney, for Applicant.
Frank Karr, for Pacific Electric Railway Company.
John R. Berryman, Jr., for Los Angeles County
Grade Crossing Committee.

SHORE, COMMISSIONER:

O P I N I O N

In the above entitled application the City of Glendale seeks permission to construct Palmer Avenue at grade across Pacific Electric Railway Company's tracks adjacent to Brand Boulevard, in the City of Glendale, Los Angeles County, California.

A public hearing was held in this matter in Glendale, March 3, 1925.

Palmer Avenue, an east and west street of Glendale, situated in the southern portion of the city, extends from San Fernando Road to Sycamore Canyon Road, a distance of about 7,000 feet. To the west of the proposed crossing Palmer Avenue is now 50 feet in width with a 30-foot driveway, while to the east it is 60 feet in width, with a 40-foot driveway. At present this highway is improved with an oil macadam pavement, and carries only a moderate amount of traffic, the greater portion of which is local. The evidence shows that this is the most southerly street in the City

of Glendale which extends from San Fernando Road to Sycamore Canyon Road, and that the city proposes to pave the street throughout its entire length, in the near future, with a 40-foot driveway, and make of it a major highway between San Fernando Road and Sycamore Canyon Road.

The proposed crossing is over Pacific Electric Railway Company's so-called "Glendale-Burbank" line, operated on a 40-foot private right-of-way, located between two portions of Brand Boulevard, each of which are forty feet wide. Brand Boulevard is the principal north and south business street of the City of Glendale, and is a continuation of what is known as Glendale Boulevard in the City of Los Angeles and is one of the principal highways between these two cities. At Palmer Avenue both portions of Brand Boulevard are paved with a 27-foot roadway and carry a large volume of vehicular traffic. At present the traffic which enters Brand Boulevard from Palmer Avenue, with the object of traveling in a direction counter to the normal flow of traffic on either of the two roadways of Brand Boulevard, is either put to the disadvantage of traveling out of its way to the next crossing, or else it must travel against the normal flow of traffic to the next crossing over the railroad. This disadvantage, however, occurs at all the other cross streets which are not constructed across the railroad at Brand Boulevard. The amount of the public inconvenience at such street intersections is dependent principally upon the volume of traffic on the two portions of Brand Boulevard and upon the distance to the nearest crossings. The public inconvenience experienced at Palmer Avenue does not appear to exceed to any extent that at a number of other streets which do not cross the railroad.

Pacific Electric Railway Company's so-called "Glendale-Burbank" line, is a double-track interurban railroad over which there are 145 passenger and 14 freight and express trains normally operated per day. These trains travel at fairly high rates of speed in the vicinity of Palmer Avenue. The view from Palmer Avenue of the track adjacent to the proposed crossing is obstructed by buildings and trees on both sides of Brand Boulevard. The nearest public grade crossings over this railroad to the one proposed herein are to the north at Park Avenue, a distance of about 450 feet, and to the south at Cypress Avenue, a distance of about 880 feet.

Pacific Electric Railway Company presented an estimate which showed the cost of constructing a 60-foot crossing at Palmer Avenue to be \$2,660.; this total includes the cost of an automatic flagman. This estimate was not contested and no other estimates were introduced.

After due consideration of all the evidence in this case, it appears that the accommodation afforded by the proposed crossing to the traffic on Palmer Avenue at this time would not in itself present sufficient public convenience and necessity to justify the granting of this application. However, if and when Palmer Avenue is paved with a 40-foot driveway between San Fernando Road and Sycamore Canyon Road, thus making it a relatively important connecting highway, public convenience and necessity will at that time require that a public crossing be established over the Pacific Electric Railway Company's tracks, as proposed herein. If, on the other hand, this improvement is not carried out, this application should be denied.

The following form of Order is recommended:

O R D E R

The City Council of Glendale having filed the above entitled application with the Railroad Commission, for permission to construct Palmer Avenue at Grade across Pacific Electric Railway Company's tracks adjacent to Brand Boulevard, within the said city, a public hearing having been held, the Commission being apprized of the facts, the matter having been duly submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that if and when Palmer Avenue is paved with a roadway not less than 40 feet in width between San Fernando Road and Sycamore Canyon Road, public convenience and necessity will require that a crossing be established over Pacific Electric Railway Company's tracks at Palmer Avenue, and not otherwise; therefore,

IT IS HEREBY ORDERED that permission and authority be and they are hereby granted to the City Council of the City of Glendale, Los Angeles County, California, to construct Palmer Avenue at grade across the tracks of Pacific Electric Railway Company adjacent to Brand Boulevard, as shown in Exhibits A and B attached to the application, said crossing to be constructed subject to the following conditions, namely:

1. The authority herein granted shall be effective only upon the paving of Palmer Avenue with a roadway not less than 40 feet in width throughout its entire length, between San Fernando Road and Sycamore Canyon Road.

2. The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by

applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Pacific Electric Railway Company.

3. The crossing shall be constructed of a width not less than forty (40) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

4. An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said flagman shall be borne by Pacific Electric Railway Company.

5. Applicant shall, within thirty (30) days thereafter notify this Commission, in writing, of the completion of the installation of said crossing.

6. 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.

7. 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.

The above opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

For all other purposes, the effective date of this order shall be twenty(20) days from and after the date hereof.

Dated at San Francisco, California, this 10th day of April, 1925.

H. K. Brundage

O. S. Sweeney

Egerton Shore

George D. Squire

Edmunds

Commissioners