

Decision No. 14764

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
the CITY OF GLENDALE, a municipal )  
corporation, for permission to in- ) Application No. 10737.  
stall a grade crossing over tracks )  
of the Southern Pacific Railroad )  
Company at Broadway. )

Ray L. Morrow, City Attorney, for Applicant.  
Frank Karr, for Southern Pacific Company.  
John R. Berryman, Jr., for Los Angeles County  
Grade Crossing Committee.  
C. Gordon Whitnall, for Los Angeles City  
Planning Commission.

SHORE, COMMISSIONER:

O P I N I O N

In the above entitled application, the City of Glendale seeks permission to construct Broadway at grade across Southern Pacific Company's main line tracks through the City of Glendale, Los Angeles County, California.

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

Broadway is an important east and west street of the City of Glendale, extending from San Fernando Road on the west to Wilson Avenue on the east, a distance of about 2½ miles. San Fernando Road, at the western terminus of Broadway, is an important highway artery running parallel to and on the easterly side of the 100-foot right of way of the Southern Pacific Company's Los Angeles-San Francisco double track main line. There is also a siding along the main line in this vicinity and the railroad company plans to increase the number of tracks to a total of six, of which four will be main line tracks and two will be drill tracks.

The drill tracks will be outside the four main line tracks in order that spur tracks may be easily run from them to serve industries on each side of the right of way. The westerly line of this right-of-way in the vicinity of the proposed crossing marks the boundary between the cities of Glendale and Los Angeles. Glendale is on the easterly side of this line and therefore includes the railroad property.

The proposed crossing, if constructed, will permit of extending Broadway to the west of San Fernando Road through that portion of the City of Los Angeles between the railroad and the Los Angeles River, a distance of about 2000 feet. The district between the railroad and the Los Angeles River in the vicinity of Broadway is favorably situated for industrial development and is classed as industrial property. At present, however, there are only a few industries located on this property, although a number of others are desirous of locating there as soon as highways are constructed through this property with access to San Fernando Road. The existing industries receive railroad service by spur connections from Southern Pacific Company's main line and have private vehicular crossings over the railroad. There are no public crossings over the railroad in the vicinity of the one proposed herein. The Railroad Company has recently constructed a system of spur tracks through the undeveloped portion of this industrial property to afford service to prospective industries. The evidence shows that the property owners and the City of Los Angeles are planning a system of highways through the district between the railroad and the river. It is contemplated to build a major highway along the easterly bank of the Los Angeles River, which will collect and distribute traffic to the various east and west streets to be con-

structed in the tract, and which will in addition relieve through traffic conditions on San Fernando Road.

A private farm crossing was established over the railroad, at the location referred to in this application, over thirty years ago, to serve two ranches. The vehicular movement over this farm crossing has materially increased during the past two years, to accommodate the traffic engaged in the development of the property west of the railroad and to and from a construction company's headquarters immediately west of the proposed crossing. An outfall sewer is now being constructed along the east bank of the river and materials for this work are being hauled over this so-called private crossing.

The records show that there are now 24 passenger train, 28 freight train and additional extra train movements normally operated each day over the main tracks and crossing involved herein. Many of these trains travel at high rates of speed in the vicinity of Broadway.

Although the record does not definitely indicate the volume of highway traffic that may be expected to move over this crossing, it is clear that this traffic will be primarily industrial in character. This means that it would probably be composed of a relatively large proportion of trucks and that most of this traffic would move between the hours of 7:00 A.M. and 6:00 P.M. The view at this crossing is somewhat restricted and this fact, when considered with the fact that it is immediately adjacent to an unusually heavy traveled highway (San Fernando Boulevard), leads to the conclusion that this crossing presents a more than usual hazard. To the extent that the traffic moving over this crossing would consist of heavy trucks, the hazard not only extends to the vehicular traffic, but also to the railroad traffic, due to the liability of derailment to a train in the event that a high speed passenger train should collide with a

heavy truck.

It appears that there is a public necessity for a crossing over the railroad in the vicinity of the one proposed herein, to afford access to the industrial property west of the railroad; and it further appears that one crossing, if located at a favorable place to meet public convenience, would satisfy the present public needs.

The evidence shows that Colorado Boulevard, which runs approximately parallel to Broadway and is situated about 1200 feet south thereof, is now a very important east and west highway artery through the City of Glendale, and extends east thereof through Eagle Rock and Pasadena. It appears that the City of Los Angeles, in accordance with the road program now under consideration, plans to extend Colorado Boulevard west of the railroad. This extension will involve constructing a bridge over the river and continuing the road to the west thereof to a connection with other important highways. It has been indicated that the City of Glendale plans to file an application with this Commission in the near future, in which permission will be sought to construct Colorado Boulevard across Southern Pacific Company's tracks.

From the evidence it would appear that the logical location for a permanent public crossing over or under the railroad in the vicinity of the crossing proposed herein is at Colorado Boulevard and that, with such a crossing, reasonably adequate highway facilities could be afforded the industrial area west of the railroad, provided north and south highways were constructed between the railroad and the river on either side of Colorado Boulevard. To meet the present public needs, however, there appears to be a public necessity for a crossing of the railroad at or near the location applied for herein to accommodate the local traffic, which now passes

over the railroad at this location, pending the time a permanent crossing is installed to serve this district. With a public crossing at or near Colorado Boulevard, the traffic now crossing the railroad at Broadway could reasonably be expected to use the Colorado Boulevard crossing and the Broadway crossing should then be abandoned and effectively closed to traffic.

It may be that public convenience and necessity will require the construction of a crossing at Colorado Boulevard within two years; therefore the proposed crossing at Broadway, if constructed, should be considered a temporary crossing and should only be allowed to remain until such time as the public crossing at or near Colorado Boulevard is built. In the mean time, public convenience and necessity appear to justify the construction of such a temporary crossing at Broadway; but it should not be authorized except under conditions which will provide for adequate protection. As has been pointed out, this particular crossing combines a number of unusually hazardous conditions, possibly the most important of which is that due to the proximity of San Fernando Boulevard with its large volume of relatively high speed vehicular traffic, a condition which tends to divert the attention of vehicle drivers, attempting to cross the railroad, from observing the approach of trains.

In view of these unusually hazardous conditions, the least protection that should be provided should be the maintenance of a uniformed traffic officer at the crossing between the hours of 7:00 A.M. and 6:00 P.M. daily, except Sundays, and the installation of an automatic flagman for the protection of the crossing during those hours of relatively light traffic when the crossing would not otherwise be protected. The cost of maintaining the uniformed traffic officer should be divided equally between the applicant and the railroad.

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 Broadway at grade across Southern Pacific Company's tracks 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 public convenience and necessity require that a public crossing be constructed over or under Southern Pacific Company's lines at or in the vicinity of the crossing applied for herein, and that one crossing, if located at a convenient place, will meet the public needs for a highway connection to the industrial property located between the railroad and the Los Angeles River, in the vicinity of Broadway, and that the most logical location for such a permanent public crossing is at or near Colorado Boulevard. In order to meet the existing local needs, the crossing applied for herein should be allowed, provided, however, it be abandoned when a permanent public crossing is constructed at or near Colorado Boulevard which, it is planned, will be effected in not to exceed two years; therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City Council of the City of Glendale Los Angeles County, California, to construct Broadway at grade across the tracks of Southern Pacific Company at the location shown by the map marked Exhibit "A", attached to the application; said crossing to be constructed subject to the following conditions, namely:

- (1) 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 Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of about seventy (70) degrees to the railroad, and with grades of approach not greater than five (5) 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.

(3) Said crossing shall be protected by a uniformed traffic officer between the hours of 7:00 A.M. and 6:00 P.M. daily, except Sundays. The cost of maintaining said uniformed traffic officer shall be borne 50 percent by applicant and 50 percent by Southern Pacific Company.

(4) An automatic flagman shall be installed for the protection of said crossing at the sole expense of applicant, said flagman to be of a type and installed in accordance with plans or data approved by the Railroad Commission. At the expiration of the authorization of said crossing granted herein, Southern Pacific Company shall refund to applicant the salvage value of the materials salvageable when said crossing is abandoned. The maintenance of said flagman shall be borne by Southern Pacific 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.

IT IS HEREBY FURTHER ORDERED that if and when a public

crossing is constructed over or under the said Southern Pacific tracks at or near Colorado Boulevard, which it is estimated will be effected in not to exceed two years, the grade crossing herein authorized at Broadway shall be abandoned and effectively closed to traffic.

IT IS HEREBY FURTHER ORDERED that 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 foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of April, 1925.

H. C. Brundage  
C. C. Leavitt  
Egerton Shaw  
George D. Squires  
Emmanuel C. ...  
Commissioners.