

Decision No. 15910

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 install a temporary grade crossing over the tracks of the Pacific Electric Railway Company at Gardena Avenue.

ORIGINAL

Application No. 11136.

Ray L. Morrow, City Attorney, for Applicant.

Frank Karr, for Pacific Electric Railway Company.

SEAVEY, COMMISSIONER:

O P I N I O N

In this proceeding applicant seeks permission to construct Gardena Avenue at grade across the tracks of Pacific Electric Railway Company in the City of Glendale, the proposed crossing to exist until there is a separation of grades at the intersection of Glendale-Brand Boulevard and Southern Pacific Company's tracks.

A public hearing was held in this matter at Los Angeles December 22, 1925, at which time it was stipulated by the interested parties that the record in Application 8384 and Application 10778, respectively, be considered in evidence in this proceeding insofar as relevant. This is the third application the City of Glendale has filed with the Commission involving the said Gardena Avenue crossing.

The first application, designated as No. 8384, was filed November 4, 1922, which was decided by the Commission's Decision No. 11526, dated January 18, 1923, wherein the City of Glendale was granted authority to construct Gardena Avenue at grade across Pacific Electric Railway Company's tracks, under certain conditions, one of which (Condition 4) provided:

"The authorization herein granted for the installation of said crossing shall lapse and become void two years from the date of this order, whereupon said crossing shall be abolished unless further time is granted by subsequent order."

At the expiration of two years, in accordance with the above provision, Pacific Electric Railway Company abolished the said crossing by excavating adjacent to the tracks and erecting posts along each side of its right-of-way across the strip that had been used as a public crossing.

The second application, designated as Application No. 10778, was filed with the Commission January 23, 1925, and was decided by the Commission's Decision No. 14765, dated April 10, 1925, wherein the application for permission to construct Gardena Avenue at grade across Pacific Electric Railway Company's tracks was denied without prejudice.

The third application, which is the proceeding now under consideration, was filed with the Commission May 20, 1925.

The physical conditions surrounding the proposed crossing, as well as the relation between Gardena Avenue to other public highways in the vicinity of the crossing involved, are discussed in the Commission's Decisions Nos. 11526 and 14765, respectively, referred to above. In view of the fact that these physical conditions have not materially changed subsequent to the time the Commission made its former investigation, reference is made to these decisions for these phases of the situation now under consideration.

In support of the public necessity of this crossing applicant urged at the hearing that the construction of a crossing over Pacific Electric Railway Company's tracks at Gardena Avenue would afford relief to the traffic in San Fernando Road during the time it is being paved, and also offer a more direct route for vehicular traffic in getting to and from Southern Pacific Company's Glendale Depot, which originated on Glendale Boulevard south of the Southern Pacific tracks. The record shows that the pavement on the southerly half of San Fernando Road in the vicinity of Brand Boulevard has been completed and

will soon be open to traffic. It would appear that when this pavement is open very little of the San Fernando traffic, other than local, would use the proposed crossing if constructed. It does appear, however, that the proposed crossing would afford some convenience for the traffic to the Southern Pacific Glendale station which originated south of the Southern Pacific tracks along Glendale Boulevard. The volume of this traffic, however, appears to be comparatively small.

It was also urged as a public necessity for the Gardena Avenue crossing that if a grade separation is to be constructed between Southern Pacific tracks and Glendale-Brand Boulevard, the proposed crossing would materially assist in handling the heavy traffic on the Glendale-Brand Boulevard during the time the separation was being effected. It appears that there is considerable merit to this argument as Glendale-Brand Boulevard carries a large flow of traffic and any additional interference at the railroad will add to the already serious congestion. In view of the fact that Glendale-Brand Boulevard is a highway with two independent driveways which are separated by Pacific Electric Railway Company's right-of-way it would seem practical, if it was so desired, to construct one branch under the railroad at a time, leaving the other available for the vehicular traffic. Without such a crossing at or near Gardena Avenue, it would be necessary to converge all the traffic into one of the branches of Brand Boulevard at San Fernando Road, which is already a very congested intersection, whereas the proposed crossing would allow the traffic to adjust itself at Gardena Avenue and thus not increase the congestion at the San Fernando intersection.

The grade crossing of Southern Pacific tracks and those of Pacific Electric Company intersecting on Glendale-Brand Boulevard at a point about 300 feet south of Gardena Avenue, is protected by an interlocking plant. The derrails on the Pacific Electric line are installed at points approximately 400 feet north and south, respectively, from the Southern Pacific tracks. In view of the fact that this proposed crossing

is within the limits of this interlocking plant, any interference with the movement of outbound Pacific Electric trains at Gardena Avenue would not only affect the Pacific Electric line but it would also prevent clearing the interlocking plant, which in turn would prevent any movements within the plant on the Southern Pacific lines.

From the evidence at hand it appears that the only public convenience and necessity that would justify a public crossing over Pacific Electric Railway Company's tracks at Gardena Avenue would, in the event a grade separation is to be effected between Glendale-Brand Boulevard and Southern Pacific tracks, be to accommodate the traffic on this boulevard during the time a separation was being constructed. In view of the fact that Gardena Avenue would be within the limits of an approach grade of a separation at the railroad, the continuance of such a crossing over Pacific Electric tracks would not be justified after the work had progressed to such a state as to involve the Gardena-Brand Boulevard intersection.

The following form of order is recommended:

O R D E R

City of Glendale having applied to the Commission for permission to construct a temporary crossing at grade over the tracks of the Pacific Electric Railway at Gardena Avenue, City of Glendale, County of Los Angeles, a public hearing having been held, the matter having been submitted and it appearing that the application should be granted subject to certain conditions hereinafter specified,

IT IS HEREBY ORDERED, that if and when the construction of a grade separation at the crossing of Glendale-Brand Boulevard and Southern Pacific tracks at a point about 300 feet southerly from Gardena Avenue is commenced, the City of Glendale be and it is hereby granted permission to install a temporary crossing at grade over the track of Pacific Electric Railway at said Gardena Avenue, described as follows:

"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 a certain strip of land sixty (60) feet in width conveyed by L. G. Brand and wife to Los Angeles Interurban Railway Company by deed recorded in Book 2645, page 73 of Deeds, Records of said County, lying between the southeasterly prolongations of the northeasterly and southwesterly lines of Gardena Avenue seventy (70) feet in width, as shown on map of Tract No. 987, recorded in Book 16, page 133 of Maps, Records of said County,

and as shown by the maps marked Exhibits "A" and "B" attached to the application, said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of said crossing 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. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Pacific Electric Railway Company.

(2) 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 two (2) per cent; shall be constructed substantially in accordance with Standard No. 2 as specified in General Order No. 72 of this Commission; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) The crossing shall be protected by an automatic flagman. The automatic flagman now installed at this crossing may be put in operation. Any expense connected with the reinstallation of this protective device, together with the maintenance of said automatic flagman, shall be borne by Pacific Electric Railway Company.

(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) Said temporary crossing shall be abolished at such time as construction on the Glendale Boulevard grade separation shall have progressed to such a point as the continuance of such grade crossing will interfere with the construction of said grade separation.

(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 authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of January, 1926.

H. B. Brundage

C. S. Seaver

Leon C. White

Commissioners.