

ORIGINAL

Decision No. 16679.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of application
of Southern Pacific Company for
an order authorizing the con-
struction at grade of a spur
track across Front Street and
across Burbank Boulevard, in the
City of Burbank, County of Los
Angeles, State of California.

Application No. 12,569.

Frank Karr, for Southern Pacific Company,
James H. Mitchell, City Attorney, for City
of Burbank.

SEAVEY, COMMISSIONER:

O P I N I O N

In the above entitled proceeding authority is sought to construct a spur track at grade across Burbank Boulevard in the city of Burbank.

A public hearing was held in this matter April 19, 1926.

The map accompanying the application shows the proposed crossing located about 40 feet to the east of the easterly boundary of Southern Pacific Company's 100-foot right-of-way. At the hearing a modified plan was submitted, which shows the location of the proposed spur within the limits of the Company's right-of-way and about 22 feet to the east of the present easterly track across Burbank Boulevard. This modified plan was introduced and designated as Applicant's Exhibit No. 1. It was stipulated at the hearing that an amended application covering the modified plan would be filed by applicant, which was done on May 3, 1926. The testimony

at the hearing was in support of the modified plan.

The purpose of the proposed spur track is to serve the industrial property to the east of the railroad between Burbank Boulevard on the north, and Cypress Avenue on the south. It appears that this property could be served by a switch from the south which would cross Front Street and Cypress Avenue. Such an arrangement, however, would not afford as favorable operating conditions as does the proposed plan; also it would involve the construction of a facing point switch, which presents a greater hazard than the case of a trailing point switch, such as is proposed in this proceeding.

Commission's Exhibit No. 1 shows the result of a study of the grade crossings over Southern Pacific Company's tracks between Dayton Avenue in Los Angeles and San Fernando Boulevard crossing in Burbank, looking toward the elimination of all grade crossings, prepared in connection with Case 2171 now pending before the Commission. This report recommends a grade separation at the intersection of Burbank Boulevard and Southern Pacific Company's tracks within a period of three years. When Burbank Boulevard was improved the pavement was omitted on each side of the railroad in anticipation of a possible grade separation. This unpaved portion is improved with oil macadam.

While Burbank Boulevard is a much more important highway artery than is either Cypress Avenue or Front Street, the proposed grade separation at Burbank Boulevard, if carried out, would remove any objection to the construction of the proposed crossing except as to the question of cost of including this track in such separation.

There was no serious objection presented to the construction of the spur track as proposed in the modified plan and such hazard and traffic interference as this grade crossing may create will be removed when the proposed grade separation is effected. The construction of the proposed track will afford rail facilities to a large area

favorably situated for industrial development. In recommending the approval of this application, it is suggested that if the construction of the proposed crossing adds to the cost of the plan of grade separation, as suggested in the Commission's Exhibit No. 1, the added expense be considered as a separate item in determining the apportionment of cost of this grade separation between the interested parties.

The following form of order is recommended.

O R D E R

Southern Pacific Company having filed the above entitled application with the Railroad Commission for permission to construct a spur track at grade across Burbank Boulevard in the City of Burbank, a public hearing having been held, the Commission being apprised of the facts, the matter having been duly submitted and now ready for decision:

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted Southern Pacific Company to construct a spur track at grade across Burbank Boulevard in the City of Burbank, Los Angeles County, California, and as shown by the map (Applicant's Exhibit No.1) filed in this proceeding; said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing, together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 2, in General Order No. 72 of this Commission, and of a width to conform to that portion of said street now graded, with the tops of rails at same elevation as main line rails and flush with the roadway, and with grades of approach not

exceeding five (5) per cent; shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

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

(4) 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.

(5) Nothing in this order shall be construed as determining the apportionment of cost of the proposed grade separation of Burbank Boulevard and Southern Pacific tracks, including the track granted herein, between the interested parties.

(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.

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.

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

Dated at San Francisco, California, this 10th day of

May, 1926.

H. H. Brandt

Chairman

Leon A. White

Commissioners.