

Decision No. 16796

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

THE CITY OF BURBANK, a municipal
corporation,

Complainant,

-vs-

SOUTHERN PACIFIC COMPANY, a cor-
poration,

Defendant.

CASE NO. 2240

ORIGINAL

J. H. Mitchell, City Attorney, for
Complainant.

H. W. Hobbs, for Defendant.

SEAVEY, COMMISSIONER:

O P I N I O N

In the above entitled proceeding the City of Burbank asks for authority to alter the existing grade crossing of San Fernando Road over the tracks of the Southern Pacific by widening the same from a width of 20 feet to 40 feet, and further asks that the Commission designate the location to which the automatic flagman protecting said crossing should be moved in connection with such widening. The complainant further asks that the Commission apportion the expense of this work between complainant and defendant.

Formal hearing was held on this complaint in Los Angeles on June 4, 1926.

The crossing which is here sought by the City of Burbank to be widened is the existing grade crossing of San Fernando Road over the main track of the Southern Pacific Company's Valley Line, in the northerly portion of Burbank, commonly known as the "Turkey" crossing. San Fernando Road is one of the principal highway arteries leading from Southern California to Northern California, connecting with both the Coast and Valley State highway routes. The city has recently improved, by widening from a width of 20 feet to 40 feet, that portion of San Fernando Road in the city on each side of the crossing, and now desires the crossing itself to be widened to a similar width. This crossing is at present protected by an automatic flagman, which is so located that it must be moved or removed to permit of this widening.

Defendant Southern Pacific Company does not oppose the granting of the relief sought by complainant, and has stated that it is willing to assume all the cost incident to this change that will be incurred between the lines of its 100-foot right-of-way. Both the complainant and the defendant expressed their position that the authorization of these changes would in no way prejudice the elimination of this crossing under the program that has been recommended in a joint engineering report presented in Case No. 2171, now pending before this Commission. It appears that the reduction of hazard that will take place at this crossing, due to its widening, will justify the expense incurred, even for a temporary period, pending the ultimate elimination of this grade crossing.

The Commission's transportation engineer expressed the opinion that with the widening of this crossing to such a width

that four lines of traffic could move concurrently over the railroad, the protection should be improved by the provision of two automatic flagmen, instead of one. No opposition was offered to this suggestion.

It appears from the record presented in this case that the relief sought by the complainant should be granted, and the following form of order is recommended:

O R D E R

The City of Burbank having filed the above entitled complaint, a public hearing having been held, the Commission being apprised of the facts, and the matter being under submission and now ready for decision,

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby directed to widen the pavement at the crossing of San Fernando Road over the tracks of Southern Pacific Company in the city of Burbank to a width of not less than forty (40) feet, in the location as shown on the plan attached to the complaint, in accordance with the following conditions:

Said crossing shall be reconstructed of a type substantially equal or superior to the type shown as Standard No. 3 in General Order No. 72 of this Commission, of a width of not less than forty (40) feet measured at right angles to the center line of said roadway, with grades of approach not exceeding one (1) per cent, and shall in every way be made safe for the passage thereover of vehicular and other road traffic.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby directed to replace the existing automatic flagman at said crossing with two automatic flagmen, one to be located near the southwesterly right-of-way line of said Southern Pacific Company and from six (6) to ten (10) feet southerly of the edge of the pavement, as widened, of the roadway of said San Fernando Road; the other automatic flagman to be located from ten (10) to twenty-five (25) feet northeasterly of the center line of the main track and from six (6) to ten (10) feet northerly of the edge of the pavement of said roadway as widened.

IT IS HEREBY FURTHER ORDERED that the cost of making said improvements of widening the pavement and locating the automatic flagmen as above specified, in so far as such work is located within the limits of the 100-foot right-of-way lines of Southern Pacific Company, shall be borne exclusively by said Southern Pacific Company.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby directed to effect all of the improvements above specified within a period of 120 days from the date of this order, and to notify this Commission in writing within thirty (30) days thereafter of the completion of said improvements.

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

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Com-

mission of the State of California.

Dated at San Francisco, California, this 5th day
of June 1926.

H. B. Brundage

C. L. Seaver

Emory D. Scott

COMMISSIONERS.