

Decision No. 13186**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
 City of Burbank, a municipal corporation,
 for permission to install a grade cross-
 ing over the tracks of the Southern
 Pacific Railroad Company, at Victory
 Place, in the City of Burbank, California.)
)
) Application
) No. 13920
)
)

James H. Mitchell, City Attorney, for Applicant.
 R. E. Wedekind, for Southern Pacific Company,
 Protestant.

John R. Berryman, Jr., for Los Angeles County
 Grade Crossing Committee, Protestant.

BY THE COMMISSION -

O P I N I O N

The City of Burbank, a municipal corporation, has petitioned the Railroad Commission for an order authorizing the installation and maintenance of a crossing at Victory Place at grade across Southern Pacific Company's Coast Line.

Public hearings on this application were conducted by Examiner Handford at Burbank, the matter was duly submitted and is now ready for decision.

The matter of a grade crossing at this location has heretofore received the attention of the Commission in Application No. 12434, for a grade crossing of Victory Place with Southern Pacific Company's Coast Line, at identically the same location as the one herein applied for, such petition having been denied by Decision No. 16760, dated May 25, 1926. A description of the general physical characteristics surrounding the crossing and the adjacent territory is set forth in the opinion contained in said Decision No. 16760 and need not be repeated here. In such Opinion the Commission announced:

"From the evidence, it appears that it would be unwise to establish a grade crossing of such a potentially important highway over an important high-speed railroad, when it is so evident that the traffic on this street, when opened, will justify the expense of establishing a grade separation. This feature, considered in conjunction with the fact that the construction of a temporary grade crossing soon to be replaced with a grade separation, involves an unnecessary expenditure of money, and leads to the conclusion that this application should be denied. However, it appears proper to state, at this time, that I would recommend the approval of an application for a grade separation at this location, if such an application were presented to the Commission for consideration."

The record in the instant application shows that the proposed crossing, if constructed, will form a link in a very important highway artery, a portion of which would be the new Riverside Drive, which, it appears, will be opened for traffic in about two months and by such opening will accommodate through traffic from the center of Los Angeles to San Fernando Valley. That Victory Place is potentially an important highway artery is evidenced not only by witnesses from Burbank but also by officials of the City of Los Angeles and Los Angeles County. It was estimated that Victory Place would attract not less than fifty (50) per cent of the traffic now crossing the Southern Pacific Company's Valley Line at the so-called "Turkey Crossing."

The railroad involved is the Southern Pacific Company's single track Coast Line over which twelve passenger and fourteen freight train movements are normally operated per day. Although the proposed crossing is located some 900 feet from the junction of the Coast and Valley Lines, which junction is protected by an interlocking plant, the Railroad Company's witness testified that many

of these trains travel at the rate of from 30 to 40 miles per hour at the crossing.

While the view at the proposed crossing is practically unobstructed at this time, it is doubtful if this condition would prevail for any length of time if the crossing were opened, as a result of development along this highway; also, the line of Victory Place intersects the track at an acute angle of approximately 47 degrees, thereby increasing the hazard as compared to a right angle crossing.

The record shows that the major physical difference between the conditions now prevailing, with respect to this crossing, and those obtaining at the time of hearing of the previous application, is that the plans for building connecting highways constituting a major traffic outlet from Los Angeles to the northwest, of which Victory Place naturally forms a part, are further matured; in fact, such project is now assured.

The City of Burbank has recently paved Victory Place on each side of the railroad up to the proposed crossing on grades which contemplate a grade crossing with the track, notwithstanding the fact that the Commission has heretofore denied such a grade crossing. There has also been some development in the vicinity of the proposed crossing in the way of property subdivision and the construction of highways.

The granting of this application is opposed by Southern Pacific Company and the Los Angeles County Grade Crossing Committee, both organizations admitting the necessity for a crossing of the railroad at this location but contending that the grades of this potentially important highway and the railroad should be separated.

Applicant urges that a temporary crossing be authorized, to be replaced with a grade separation at a later date when the city is better able to finance its portion of the cost of effecting such an improvement. However, no definite plan was presented whereby the Commission could be assured that the necessary funds

would be available in the reasonably near future to care for the financing of a grade separation at this location.

The estimated cost of a grade separation at this location is shown in the Commission's Exhibit to be \$130,541. The physical conditions at this location are favorable for a grade separation, the track being constructed on a fill about five feet above the natural ground level and there are no improvements, in the way of buildings, to interfere with such a plan.

The record shows that a grade crossing at this location, including two automatic flagman, will cost approximately \$10,000., which expenditure would be a total loss if a grade crossing were to be constructed and then replaced with a grade separation within a short period of time.

After full consideration of all the evidence adduced in this proceeding, we are of the opinion and hereby conclude that it would not be in accord with public interest to establish a temporary grade crossing at this location, as the evidence clearly indicates that when this highway is opened across the railroad the grades should be separated. To delay the installation of such an improvement will not only materially increase the ultimate cost thereof, due both to the loss of the money spent for a temporary grade crossing as well as an increase in property damage due to development in the immediate vicinity, but the establishment of a temporary grade crossing which would be used as a main highway by heavy vehicular travel would create a serious hazard of accident to the users of such highway.

O R D E R

Public hearings having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the conclusions

and statements of fact as appearing in the opinion which precedes this order.

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 30th day of December, 1927.

Ernest
Alamy
Leon Whitell
Max B. Routh
W. A. C.
COMMISSIONERS.