WH:IR

Decision No. 1936



BEFORE THE RAILROAD COMMISSION OF THE STATE OF (

In the matter of the application of the City of Burbank, a municipal CORPORATION, for permission to alter the crossing of Magnolia Boulevard over the tracks of the Southern Pacific Railroad Company in the City of Burbank, California.

Application No. 14362.

BY THE COMMISSION:

<u>order</u>

The City of Burbank, County of Los Angeles, State of California, filed the above entitled application with this Commission on the 23rd day of January, 1928, asking for authority to widen a public street, known as Magnolia Boulevard, at grade across the tracks of Southern Pacific Company, in the said City of Burbank, as hereinafter set forth. Said Southern Pacific Company has signified by letter that it has no objection to the widening of said crossing at grade, and it appears to this Commission that the present proceeding is not one in which a public hearing is necessary; that it is neither reasonable nor practicable at this time to provide a grade separation or to avoid a grade crossing with said tracks at the point mentioned in this application, and that this application should be granted, subject to the conditions hereinafter specified, therefore,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Burbank, County of Los Angeles, State of California, to widen Magnolia Boulevard at grade across the tracks of Southern Pacific Company at the location hereinafter particularly described and as shown by the map (Exhibit "A") attached to the application.

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Description of Crossing

A strip of land eighty (80) feet wide through the Southern Pacific Railroad Right of Way (100 feet in width), lying forty (40) feet on each side of the northeasterly prolongation of the center line of Magnolia Avenue, as shown on Rancho Providencia and Scott Tract between Lot One (1), Block Eighty-eight (88) and Lot Two (2), Block Eighty-nine (89) of said tract, and recorded in Book 43, page 56, Miscellaneous Records of Los Angeles County, California, said Eighty (80) foot strip being bounded on the northeast by the northeast line of the said Southern Pacific Railroad Right of Way (100 feet in width) and on the southwest by the southwest line of said Right of Way.

Excepting therefrom a strip of land twenty-four (24) feet wide lying twelve (12) feet on each side of the above described center line of Magnolia Avenue, said twenty-four ' (24) foot strip being the present traveled roadway.

The above crossing shall be identified as Crossing No. B-472.1.

Said crossing shall be widened subject to the following conditions and not otherwise:

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

(2) The crossing shall be widened to a width not less than sixty (60) feet and at an angle to the railroad, as shown on the map attached to the application, and with grades of approach not greater than two (2) per cent; shall be widened substantially in accordance with Standard No. 3, as specified in General Order No. 72 of this Commission; shall be protected by a crossing sign, in accordance with Standard No. 1, as specified in General Order

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No. 75, and by an automatic flagman, in accordance with Standard No. 3, as specified in General Order No. 75, and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

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

(4) If said crossing shall not have been widened 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) 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 15 fitmany, 1928.

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Commissioners.