

Decision No. 20814

**ORIGINAL**

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 in-  
stall a grade crossing over the  
tracks of the Pacific Electric  
Railway Company at Gardena Avenue.

Application No. 14804.

Mr. W. Turney Fox, City Attorney, and Mr. Bernard  
Brennan, Assistant City Attorney, for the  
City of Glendale.

Mr. Frank Karr, Chief Counsel, for Pacific Electric  
Railway Company, Protestant.

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

SEAVEY, COMMISSIONER:

O P I N I O N

In this application the City of Glendale seeks permis-  
sion to construct Gardena Avenue at grade across Pacific Electric  
Railway Company's Los Angeles-Glendale-Burbank Line. At the hear-  
ing had in this matter on January 30th, 1929, applicant requested  
permission to modify its application to the extent of seeking a  
temporary grade crossing rather than a permanent one, as sought in  
the original application. The other interested parties were agree-  
able to this change and the request was granted.

While this application has been called for hearing a  
number of times, in connection with Cases Nos. 2124 and 2171, the  
showing by applicant was presented at the hearing had on January  
30th, 1929. It was stipulated at this hearing that the records  
adduced at former proceedings involving this crossing be considered  
in evidence in this proceeding, in so far as relevant, including the

files in Applications Nos. 8384, 10778 and 11136; also, Decision No. 17330, dated September 10th, 1926, in Cases Nos. 2124 and 2171, wherein, among other things, a separation of grades between Glendale-Brand Boulevard and Southern Pacific Company's tracks is ordered.

By Decision No. 11526, dated January 18th, 1923, in Application No. 8384, the City of Glendale was granted authority to construct Gardena Avenue at grade across Pacific Electric Railway Company's tracks for a period of two years. At the expiration of this time, the crossing was abolished by Pacific Electric Railway Company.

By Decision No. 14765, dated April 10th, 1925, in Application No. 10778, the Commission denied the City's application for a grade crossing at this location.

By Decision No. 15910, dated January 29th, 1926, in Application No. 11136, the City was authorized to construct this crossing as a means of handling Brand Boulevard traffic during the time a grade separation was being effected between Glendale-Brand Boulevard and Southern Pacific Company's tracks in the City of Glendale, as ordered in said Decision No. 17330.

In support of the granting of this application, applicant urged that the proposed crossing would tend to relieve congestion at the intersection of Brand Boulevard and San Fernando Road, in the City of Glendale, and also that it would afford a more direct and convenient route, for northbound traffic on Brand Boulevard, in reaching the Southern Pacific Station in Glendale and the industries located to the north of Southern Pacific Company's tracks and west of Brand Boulevard.

With respect to relieving congestion at the intersection of San Fernando Road and Brand Boulevard, it appears that the proposed crossing would attract all or the greater part of the northbound traffic on Brand Boulevard desiring to reach the Southern

Pacific Station and industries in that general locality and to this extent decrease the volume of traffic at the intersection of San Fernando Road and Brand Boulevard. The amount of this traffic, however, appears to be comparatively small. The record shows that the Gardena crossing carried a fairly large volume of traffic during the time it was opened, but it is apparent that this was due, largely, to the fact that San Fernando Road at that time was not paved as at present.

Some testimony was introduced to show that in order to avoid the congestion at San Fernando Road and Brand Boulevard, some through traffic northbound on Brand Boulevard, desiring to continue north on Central Avenue, would elect to use the Gardena crossing and cross San Fernando Road at Eulalia Avenue. It appears that the volume of such through traffic would be comparatively small, as no distance would be saved by crossing the tracks at Gardena Avenue nor would the crossing of Pacific Electric Railway Company's tracks or San Fernando Road be eliminated by this course. It is apparent that the crossing of the tracks at Gardena Avenue would be more hazardous than would be the case at San Fernando Road and the large volume of traffic on San Fernando Road would tend to make a crossing at Eulalia Avenue as difficult as it would be at Brand Boulevard or more so, as at the latter location all traffic entering the intersection is required to make a boulevard stop, whereas, at Eulalia Avenue, there appears to be no special regulation of the San Fernando traffic.

It is apparent that if a grade crossing were established at Gardena Avenue, as proposed herein, such a crossing would have an effect on the item of property damage when the grades are separated between Southern Pacific Company's tracks and Glendale-Brand Boulevard, as ordered in said Decision No. 17330. It is also apparent that it would be impracticable to continue the operation of a grade crossing at Gardena Avenue when this grade separation is effected.

The record shows that the proposed grade crossing would be a rather hazardous one, due to the fact that there are nearly two hundred train movements over this crossing daily. Many of these trains would travel at the maximum allowed speed at this point. The fact that there is an important highway artery on each side of the track would also add to the hazard at the proposed crossing. It does appear, however, that a grade crossing at Gardena Avenue, to accommodate traffic on Brand Boulevard during the construction of the grade separation referred to above, would serve considerable public convenience.

After fully considering the evidence adduced in this matter, it appears that the comparatively slight public benefits that would result from the granting of this application do not equal the hazard that would be incident to the construction of the crossing, except that it should be authorized to accommodate traffic, pending the time of actual construction of the grade separation referred to above, and the following order will so provide.

#### 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 Company at Gardena Avenue, City of Glendale, County of Los Angeles, a public hearing having been held, the matter having been submitted and now ready for decision, therefore,

IT IS HEREBY ORDERED that the City of Glendale be and it is hereby authorized to construct Gardena Avenue at grade across Pacific Electric Railway Company's tracks, as applied for herein and as shown on Applicant's Exhibit "A" accompanying the application, for a temporary period, to accommodate traffic during the actual construction of the grade separation, as ordered in said Decision No. 17330, said crossing to be constructed subject to the following conditions:

(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 of approximately seventy (70) feet and at an angle as shown on the map, marked Exhibit "A", attached to the application, 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 re-installation of this protective device, together with the maintenance of said automatic flagman, shall be borne by Pacific Electric Railway Company.

(4) The crossing shall not be opened until actual work has commenced on the construction of said grade separation between Southern Pacific tracks and Glendale-Brand Boulevard.

(5) Said temporary crossing shall be abolished at such time as the construction of the said separation between Glendale-Brand Boulevard and Southern Pacific Company's tracks shall have been completed or when the work has progressed to such a point that the continuance of such crossing will interfere with the construction of this grade separation.

(6) Applicant shall advise this Commission when the crossing is constructed and also when it has been abolished.

IT IS HEREBY FURTHER ORDERED that the application of the City of Glendale for a temporary crossing over Pacific Electric Railway Company's tracks at Gardena Avenue, other than is authorized hereinabove, be and the same is hereby denied.

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 21 day of February, 1929.

Thos D. Lott

A. J. Lacey

Leon A. Whittell

M. J. Carr

Commissioners.