

ORIGINALDecision No. 21029

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 install a grade crossing) Application
 over tracks of the Southern Pacific) No. 10737
 Railroad Company at Broadway.)

In the Matter of the Application of the)
 CITY OF GLENDALE, a municipal corporation,)
 for permission to install a grade crossing) Application
 over tracks of the Southern Pacific Railroad) No. 14626
 crossing at Colorado Street.)

W. T. Fox, City Attorney, and Bernard Brennan,
 Deputy City Attorney, for applicant.
 Frank Kerr, for Southern Pacific Company, Protestant.
 Gordon Waitnall, for Planning Commission, City of
 Los Angeles and Los Angeles County Grade Crossing
 Committee, Protestants.
 Theo. C. Heyl, for Joseph Scott,
 Van Griffin, for Park Commission, City of Los Angeles,
 Peter L. Ferry, in propria persona.
 J. A. Winans, in propria persona.
 Maurice Healy, for Colorado Boulevard Improvement
 Association.
 Floyd H. Wilson, for lease holders.

BY THE COMMISSION -

OPINION

In Application No. 14626, the City of Glendale, a municipal corporation, has petitioned the Railroad Commission for an order authorizing the installation of a grade crossing over the Southern Pacific Company's double-track main line at Colorado Street in said city. On June 6, 1928, the Commission made its order reopening Application No. 10737 for further hearing and determination, being an application of the City of Glendale for permission to construct Broadway at grade across the same line of railroad, the two crossings being located approximately .31 miles apart.

Public hearings on these applications were conducted by Examiner Handford at Glendale and Los Angeles, the matters were consolidated for the receipt of evidence and for decision, were duly submitted and are now ready for decision.

The line of railroad involved is the Southern Pacific main line between Los Angeles and San Francisco, over which is operated in excess of fifty passenger and freight trains daily at high rates of speed. In the vicinity of the crossings under consideration, San Fernando Road extends in a northerly and southerly direction parallel to and just east of the Southern Pacific Company's right of way. This highway is very heavily traveled, including both through and local vehicular traffic. The westerly boundary line of the City of Glendale is coincident with the westerly right of way line of Southern Pacific Company. The territory lying between this line and the Los Angeles River, about 2000 feet west in the City of Los Angeles, is undoubtedly suited for light industrial development and is, to a slight extent, already so developed. The district to the east of the railroad and San Fernando Road is mainly residential in character for the first few blocks and still further east is the Glendale business district.

The two main east and west traffic arteries through Glendale are Broadway and Colorado Street. Broadway is at the present time opened at grade across the Southern Pacific tracks, under authority of Decision No. 14764, dated April 10, 1925, in Application No. 10737, subject to the provision that if and when a public crossing is authorized under or over the Southern Pacific tracks at or near Colorado Street the grade crossing at Broadway shall be abandoned and effectively closed to traffic. Broadway is improved for but a short distance west of the railroad, affording access to a few industries already located in that district. Colorado Street is not at this time open to travel west of the railroad.

The record shows that a new street is being opened by the City of Los Angeles parallel to and just west of the railroad, between Broadway and Goodwin Avenue, which will be known as Phyllis Street. Portions of this street are already open and other portions are under condemnation, it being estimated that the street will be open to travel in from six months to one year. This street will serve as a traffic distributing way to the industrial district west of the railroad and traffic using the same will have access to the north and east at the Broadway crossing and to the south and east at the Goodwin Avenue crossing; 1760 feet north and 2000 feet south, respectively, of the proposed Colorado Street crossing. There are, in addition, certain private crossings located between the two public crossings mentioned, the status of which will be indefinite upon the opening of Phyllis Street to travel.

The City of Los Angeles has already improved and opened to travel a high speed thoroughfare, known as Riverside Drive, located along the westerly bank of the Los Angeles River. This street is planned to serve as a high-speed vehicular traffic route from Los Angeles to the San Fernando Valley. The City of Los Angeles also has plans for a proposed truck boulevard paralleling the Los Angeles River on the east bank, which would serve to carry the industrial traffic between San Fernando Valley and northern points through and to Los Angeles, the Los Angeles harbor and the southern industrial districts.

The City of Glendale contends that public convenience and necessity require the construction of Colorado Street at grade across the Southern Pacific tracks on two general grounds; first, that the extension is necessary at this time to aid in the development of the industrial district west of the tracks and, secondly, that it is necessary in order to provide an additional through traffic artery from Glendale, Eagle Rock and Pasadena, on the one hand, to Griffith Park, Hollywood, San Fernando Valley

and Santa Monica on the other hand. The City also asked that the Broadway crossing be authorized as a permanent grade crossing irrespective of the determination of the Colorado Street crossing.

We will first consider the contention of applicant that the proposed Colorado Street extension is required as a through traffic artery. Witnesses representing the cities of Pasadena and Glendale and the community of Eagle Rock testified in support of applicant's contention. Such extension would naturally necessitate the construction of a bridge across the Los Angeles River, together with consideration as to whether such construction should involve a grade crossing with Riverside Drive and the proposed Truck Boulevard, or whether highway separations should be provided at these intersections. The President of the Park Commission of the City of Los Angeles testified that access to Griffith Park from the east in this general location was considered a necessity by the Park Commission for the full development of Griffith Park.

The contention that Colorado Street will ultimately become an important through traffic artery is not questioned, but the parties are not in agreement as to the proper means of crossing the Southern Pacific tracks at Colorado Street, or as to the time of providing such a crossing.

The City Planning Director of the City of Los Angeles, testifying on behalf of the Los Angeles Grade Crossing Committee, agreed that Colorado Street would become an important and heavily traveled traffic artery upon the completion of the bridge across the Los Angeles river. He further testified that in his opinion at the time of completion of the bridge a grade separation should be constructed carrying Colorado Street under the Southern Pacific main line and San Fernando Road. Witness for Southern Pacific Company indicated that under such conditions a grade separation would not be opposed by his company. The Engineering Department of the Commission, the record shows, in a general-

report on grade crossing elimination covering the entire district, has likewise made a recommendation that Colorado Street when extended over the railroad should be at separated grade.

Since the record shows that the extension of Colorado Street is dependent upon the construction of a bridge across the Los Angeles river and that no provision has been made for such construction by the City of Los Angeles within the next few years, it appears to the Commission that this phase of the matter should be dismissed at this time, without prejudice, however, to the filing of appropriate further proceedings by the City of Glendale at such time as conditions appear to justify the application.

There remains the consideration of the local industrial need for a grade crossing at Colorado Street justifying the public hazard which would be incident to its establishment. Applicant's contention that such a crossing is justified is supported by the testimony of a number of owners and lessees of property in the industrial district referred to and other interested parties. The contention is opposed by the Southern Pacific Company and the Los Angeles County Grade Crossing Committee because of the hazard resulting from such construction. It appears to the Commission, after careful consideration of the evidence, that that construction of Phyllis Street, serving as a distributing highway between Goodwin Avenue and Broadway, will relieve, to a large extent, such necessity as now exists for the Colorado Street crossing at grade as at the two existing public crossings adequate highway access is available to the north, east and south. Access to the west is, of course, not an issue in this proceeding. It appears that the public hazard which would be created by the construction of a new crossing over this high-speed double track railroad far outweighs the small convenience which the crossing would afford at this time.

The City of Glendale further asks that the crossing of Broadway be established as a permanent crossing. Under the Commission's authorization this crossing is to be maintained until the construction of a grade separation at Colorado Street, at which time the order provides that Broadway shall be closed. We do not see any necessity for passing upon this matter at the present time as the crossing is at present open to public travel and will continue to be under the Commission's order until such time as a crossing at Colorado Street is provided. At that time further consideration may be given to the permanence of this crossing. The order in Decision No. 14764 in Application No. 10737 should be affirmed.

During the hearings in this proceeding it was brought to the Commission's attention that the City of Glendale had failed to comply with Condition No. 5 in Decision No. 14764, requiring that the Broadway crossing be protected by a uniformed traffic officer between the hours of 7 A.M. and 6 P.M. daily except Sundays. Counsel for the city stated that this protection, through inadvertence, had not heretofore been provided, and further advised at the last hearing that the terms of the Commission's order would be fully complied with. The City requested, however, that the order be modified to permit the installation of an additional wigwag and two Second Train Indicators in lieu of the maintenance of a traffic officer at the crossing. The proposed protection would operate automatically for the full twenty-four hour day, while the officer is stationed at the crossing only eleven hours a day. The proposed change will also result in economy to the City of Glendale and the railroad. We have given careful consideration to this request and believe that the modification desired is reasonable and in the public interest.

O R D E R

The City of Glendale having filed its application for permission to construct Colorado Street at grade across Southern Pacific Company's tracks within said city, the Railroad Commission having reopened for further hearing the application of the City of Glendale for permission to construct Broadway at grade across Southern Pacific Company's tracks, public hearings having been held, the matter having been consolidated, the Commission being now fully apprised of the facts, the matters having been duly submitted and now being ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity do not require at this time the construction of a public crossing at grade across Southern Pacific Company's tracks at or near Colorado Street, as applied for in Application No.14626, therefore

IT IS HEREBY ORDERED that Application No.14626 of the City of Glendale, to construct Colorado Street at grade across Southern Pacific Company's tracks, be and the same is hereby denied without prejudice.

IT IS HEREBY FURTHER ORDERED that Decision No.14764, dated April 10, 1925, in Application No.10737, be and the same is hereby affirmed as the opinion and order of the Railroad Commission of the State of California, except that Condition (4) in said decision be and the same is hereby amended to read as follows:

"(4) Two Standard No.3 wig-wags, with Second Train Indicator attached to each, shall be installed for the protection of said crossing at the sole expense of applicant. At the expiration of the authorization of said crossing herein granted Southern Pacific Company shall refund to applicant the salvage value of the materials salvageable when said crossing is abandoned. The maintenance of said protective devices shall be borne by Southern Pacific Company. Upon the completion of the installation of said protective devices, the requirement of Condition (3) herein shall be rescinded."

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of April, 1929.

Thos D. Koutler

Ed. J. J. J.

Francis J. J.

Leon Whitell

W. J. J.
Commissioners.