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Decision No. 22514.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application
of the CITY OF BURBANK, a
municipal corporation, for per-
mission to alter the grade crossing
on Olive Avenue over the tracks of
the Southern Pacific Company, in
the City of Burbank, County of
Los Angeles, State of California.

Application No. 16381.

James H. Mitchell, City Attorney, for
Applicant.

R. E. Wedekind, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

The City of Burbank has petitioned the Commission for authority to widen and improve Olive Avenue at grade across the tracks of Southern Pacific Company in said city.

A public hearing on this proceeding was conducted by Examiner Cannon at Burbank, on May 19th, 1930, the matter was duly submitted and is now ready for decision.

Olive Avenue, extending in a general northerly and southerly direction through the City of Burbank is constructed and paved to a width of twenty-four (24) feet south of Front Street which is parallel to and on the northerly side of the Railroad Company's right of way and to a width of sixty-four (64) feet northerly from Front Street. The crossing of Olive Avenue and Southern Pacific tracks is constructed to

a width of twenty-eight (28) feet.

Applicant now proposes to widen and improve Olive Avenue to a width of sixty-four (64) feet between Front Street and Flower Street, which is parallel to and approximately three hundred (300) feet southerly of the Railroad right of way, and to a width of sixty-eight (68) feet south of Flower Street to the southerly city limits, a distance of approximately fifteen thousand (15,000) feet.

The railroad involved is the double track, high speed line of the Los Angeles Division of the Southern Pacific Company over which all passenger and freight trains of that Company are operated between Los Angeles and Northern California. In addition to the main line tracks the Railroad Company maintains one passing track, one drill track and two spur tracks at grade across Olive Avenue.

Olive Avenue, south of the City of Burbank, connects with Dark Canyon Road which is one of the main thoroughfares leading into Hollywood. A traffic check taken during February, 1930, shows approximately 2400 vehicles passed over this crossing during a 12-hour period.

The record shows that when Olive Avenue is widened and improved it will carry more traffic than at present, some of the increased traffic being diverted from Burbank and Magnolia Avenues.

Applicant's witness testified that Olive Avenue at the present time was not of sufficient width to adequately and efficiently accommodate the traffic and that public necessity required the proposed widening.

The public necessity for the widening of this crossing was not questioned, the only issue being the apportionment of cost necessary for said widening and the relocation and installation of protective devices.

Southern Pacific Company took the position that it should not be assessed any of the cost incident to the widening except the cost of betterment to track facilities. The City of Burbank contended that the Railroad Company should be required to bear the cost of widening the crossing between the rails and two (2) feet outside thereof, the cost of relocating the existing protective devices and the cost of installing any additional protective devices.

The crossing at the present time is protected by one Standard No. 3 wig-wag and two "second-train" indicators. We are of the opinion that this crossing, after being widened, should be protected by two Standard No. 3 wig-wags. Due to the location and number of tracks, two additional "second-train" indicators should be installed so that a vehicle driver who has passed beyond the "second-train" indicator, located on the right hand side of traffic flow to await a passing train, shall receive a warning of the approach of a second train from the indicator located on the far side of the crossing.

It has been the customary practice of this Commission in the past to assess the cost of widening a grade crossing between lines two (2) feet outside of the outside rails and the cost of installing protective devices at existing crossings to the Railroad Company. We fail to see from the record herein any reason why that practice should be deviated from in this particular case.

After carefully considering all of the evidence in this proceeding we are of the opinion and hereby conclude that public convenience and necessity require the widening of Olive Avenue at grade across the tracks of Southern Pacific Company in the City of Burbank and that the cost incident to said widening should be apportioned in accordance with the conclusions described above.

ORDER

A public hearing having been held on the above entitled application, the matter having been duly submitted and the Commission being fully advised,

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

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

(1) The cost of widening and thereafter maintaining that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The cost of widening and thereafter maintaining 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 construction or maintenance of said crossings shall be assessed by applicant,

in any manner whatsoever, to the operative property of Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than sixty-four (64) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72 of this Commission; shall be protected by a Standard No. 2 crossing sign as specified in General Order No. 75 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

(3) An additional Standard No. 3 wig-wag as specified in General Order No. 75 of this Commission shall be installed and maintained at said crossing. The cost of installing and thereafter maintaining said wig-wag shall be borne by Southern Pacific Company. The cost of relocating the existing protective devices shall be borne by Southern Pacific Company.

(4) Two additional "Second-Train" Indicators of a type to be approved by the Commission, shall be installed and maintained at said crossing at the sole expense of Southern Pacific Company.

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

(6) If said crossing shall not have been widened within one (1) 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.

(7) 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 9th day of June, 1930.

C. L. Sawyer

Thomas D. Lantry

M. A. Carr
Commissioners.