

Decision No. 25758

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Burbank, a municipal corporation,
Burbank Chamber of Commerce, a corporation,
Burbank Realty Board, a corporation,

Complainants,

vs.

Southern Pacific Railroad Company, a
corporation, Southern Pacific Company,
a corporation,

Defendants.

Case No. 2530

ORIGINAL

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER

Southern Pacific Company, on January 24, 1933, filed a supplemental application in the above entitled case, requesting authority to abandon and remove the Kahler Automatic Crossing Gates at the grade crossing of Alameda Street and its main line tracks (Crossing No. B-472.8) in the City of Burbank, County of Los Angeles, and to substitute in lieu thereof standard No. 5 or No. 6 automatic signals, as specified in this Commission's General Order No. 75-A.

Case No. 2530, filed with this Commission on April 16, 1928, was a complaint by the City of Burbank, Burbank Chamber of Commerce and Burbank Realty Board against Southern Pacific Company for the installation of additional protection at certain crossings in the City of Burbank, among which was the Alameda Street crossing. The record shows that as a result of this complaint, an informal conference was held for the purpose of considering the protection to be installed at the various crossings complained of, and it was at that time that representatives of complainants and defendants

agreed upon the trial installation of Kahler Automatic Crossing Gates for the Alameda Street crossing. The Commission, by its Decision No. 20035, dated July 11, 1928, approved certain stipulations and reservations relative to the protection of these crossings in the City of Burbank, among which is the above mentioned Alameda Street crossing.

The Commission, by its Decision No. 22269, dated April 1, 1930, on Case No. 2530, required that the maintenance of the Kahler Gates at the Alameda Street crossing be continued and apportioned the cost of installing same between Southern Pacific Company and the City of Burbank.

Southern Pacific Company now alleges that its experience with said gates at the Alameda Street crossing has proven that said gates are not mechanically or otherwise a dependable form of protection for said crossing; that said gates have failed to operate properly in many instances and are exceedingly unreliable, and that the cost of maintaining said gates has been excessive.

The record shows that our Engineering Department reports that the Company manufacturing these particular gates has closed its plant, and all efforts to contact representatives of that Company have been unsuccessful.

The City of Burbank has advised the Commission that it has no objection to the removal of said gates, provided that either standard No. 5 or standard No. 6 signals, as specified in this Commission's General Order No. 75-A, together with "Two Train Indicators" be installed in lieu thereof.

After carefully considering the entire record in this proceeding, together with the performance record of the Kahler Automatic Crossing Gates, as compared to the record of other types of automatic signals installed at crossings in the vicinity of

the Alameda Street crossing, it appears that Southern Pacific Company's request is reasonable and authority should be granted for the removal of said gates.

It appearing that a public hearing is not necessary and that the request should be granted,

IT IS HEREBY ORDERED that authority be, and the same is, hereby granted to Southern Pacific Company to abandon and remove the Kahler Automatic Crossing Gates located at the grade crossing of Alameda Street and tracks of said Company (Crossing No. B-472.8) in the City of Burbank, County of Los Angeles, subject to the following conditions:

- (1) Prior to the removal of said gates, Southern Pacific Company shall, at its own expense, install two standard No. 5 automatic signals, as specified in this Commission's General Order No. 75-A, together with "Two Train Indicators" of a type to be approved by this Commission, for the protection of said crossing. The maintenance of said automatic signals shall be borne by Southern Pacific Company.
- (2) The Commission reserves the right to make such further orders, relative to the protection of said crossing, as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

In all other respects, this Commission's Decision No. 20035, heretofore entered in the above entitled proceeding, shall remain in full force and effect.

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

Dated at San Francisco, California, this 20th day of March, 1933.

Leon Wheeler
W. J. Lewis
M. B. Harris
Walter H. Harte
Commissioners.