

ORIGINAL

Decision No. 11526

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of the)
City of Glendale, a municipal corpora-)
tion, for permission to install a grade) Application No. 8384.
crossing over the tracks of the Pacific)
Electric Railway Company at Gardena Avenue.)

Hartley Shaw, City Attorney, for applicant.

W.R. Millar, for Pacific Electric Railway.

BY THE COMMISSION:

O P I N I O N

In this application Pacific Electric Railway Company asks permission to install a grade crossing over the tracks of the Pacific Electric Railway Company at Gardena Avenue in the City of Glendale.

In February of last year the Commission was advised by its Engineering Department that this crossing had been installed and an investigation of the Commission's records disclosed that this had been done without the consent of the Commission, which is necessary under Section 43 of the Public Utilities Act. Thinking the matter inadvertent, the Commission asked the Board of Trustees to file an application, but the Commission's letter was not answered. At a conference held in April 1922 in Los Angeles between the representatives of the City, the Railway and the Commission it was ascertained that the city had installed the crossing and arranged with the City Attorney that formal application would be filed. On November 4, 1922 this was done.

A public hearing was held December 7, 1922 before Examiner Williams in Los Angeles.

In this vicinity Pacific Electric Railway operates a double-track interurban line with center pole construction, the tracks being located on a private right-of-way sixty feet in width. On each side of this right-of-way is Brand Boulevard, each strip on each side of the railroad right-of-way being paved and about forty feet in width. It is one of the main highways between Glendale and Los Angeles. Gardena Avenue extends both east and west of Brand Boulevard although there is an offset of some thirty-five feet between the lines of this Avenue on the opposite sides of the railroad. It is paved with an oil macadam paving.

The nearest public crossing to the north is San Fernando Road, approximately eight hundred feet distant, an extremely important highway carrying very heavy vehicular traffic. The Southern Pacific main-line tracks are approximately three-hundred feet south of the crossing and on the south edge of the Southern Pacific one hundred foot right-of-way is the boundary between Glendale and the City of Los Angeles. Within the Southern Pacific right-of-way there are two crossings of the Pacific Electric tracks, which the City of Glendale stated were not recognized by the City as public crossings.

The nearest public crossing south of Gardena Avenue is Atwater Avenue, approximately fifteen hundred feet from Gardena Avenue. Continuing south of Atwater Avenue, Brand Boulevard continues to Los Angeles as a concrete paved highway, but the oiled surface paving on the east side stops two or three hundred feet south of Atwater Avenue, the change to this type of paving being made at the cities boundary.

Vehicular traffic between Los Angeles and Glendale proceeding from Los Angeles uses then the portion of Brand Boulevard

to the west of the Pacific Electric tracks and formerly crossed to the eastern part of Brand Boulevard at San Fernando Road, in compliance with the city ordinance of Glendale which provides that vehicular traffic must keep to the right.

The purpose of the proposed crossing, according to applicant is to divert the northbound vehicular traffic from the west part of Brand Boulevard to the east part at Gardena Avenue instead of San Fernando in order to relieve traffic at the intersection of the San Fernando Road and Brand Boulevard, which, the evidence indicates, is very badly congested.

Pacific Electric Railway does not oppose the granting of the application, but is opposed to paying the cost of an automatic flagman if one is ordered by the Commission, although it is willing to pay the cost of its maintenance. The City states that it is willing to assume the initial cost and the cost of maintenance of the crossing itself, but that it is unwilling to bear the cost of the wigwag.

The evidence indicates that the proper place to divide the vehicular traffic on Brand Boulevard is in the neighborhood of the Los Angeles River, south of the crossing, where it may be possible to provide a crossing under the tracks of the Pacific Electric Railway for the northbound vehicular traffic. The traffic count on December 5, 1922 between three thirty and six thirty p.m. indicates heavy vehicular traffic across the Gardena Avenue crossing, the rush hour traffic running as high as three hundred and fifty-eight vehicles an hour with twelve Pacific Electric trains per hour.

Under these circumstances it appears that while there is public necessity and convenience for the Gardena Avenue crossing at present this may not prevail when both sides of Brand Boulevard are open to traffic, one side in each direction to some point as above mentioned just north of the Los Angeles River.

It also appears that some form of protection should be installed at the Cardena Avenue crossing. Because of an adjacent interlocking plant controlling train movements of the Southern Pacific-Pacific Electric crossing and the absence of a signal engineer of the Pacific Electric Railway, there was some doubt as to the proper arrangement. The latter was unable to furnish an estimate of the cost of crossing gates or any detail as to the installation of an automatic flagman. The Commission's Engineering Department, however, thought that an automatic flagman would be satisfactory protection if turned approximately forty-five degrees to the center line of the proposed crossing. Some technical questions of the Commission's Engineering Department as to the details of the installation of a wigwag were left unanswered with a provision that the Railway would furnish the Commission an estimate of the cost of crossing gates and a detailed plan showing the installation of a wigwag. This data has since been furnished and indicates the cost of crossing gates at eight hundred dollars (\$800) and an automatic flagman at five hundred and fifty-five dollars (\$555); also that the latter can be installed so that it will be inoperative when Pacific Electric trains are standing waiting for the signals to clear permitting them to cross the Southern Pacific tracks. This is desirable and should be arranged.

The two private crossings across the Pacific Electric tracks are within the right-of-way of Southern Pacific Company and are within the crossing gates controlling the movement of both sides of Brand Boulevard over the Southern Pacific tracks and according to the evidence because of this condition are unusually hazardous. There seems no reason why they should not be closed but it is unnecessary to make this a condition of the order.

Since the City Manager of Glendale stated that Gardena Avenue crossing would not be necessary for local needs after the vehicular traffic had been divided at some point south thereof, the order in this matter should put a limit upon the time that Gardena Avenue crossing may be used, and it appears reasonable to allow its use for a period of two years. While the City agreed to bear the cost of maintenance of the crossing we do not believe that this would be entirely satisfactory. Recognizing such a condition the Commission has always made it incumbent upon the railroad to maintain the tracks within two feet of the outside rails and it is thought that this principle should apply in this case. On the other hand, the Commission has usually assessed the first cost of the protection of the crossing upon the applicant whether it be railroad or a political corporation.

The evidence indicates that the present crossing is in fair condition and with the two-year limit in mind it does not seem as though it were worth while to reconstruct the crossing so that the City will be relieved of the expense, although this was urged by the Pacific Electric.

At the expiration of two years the wigwag may be removed and there is considerable salvage value and under this circumstance as the first cost is borne by the City, the Railway should refund to the City the salvage value at the time the crossing is abolished.

O R D E R

City of Glendale having applied to the Commission for permission to construct a crossing at grade over the tracks of the Pacific Electric Railway at Gardena Avenue, City of Glendale, County of Los Angeles, a public hearing having been held, the matter having been submitted and it appearing that the application should be granted subject to certain conditions hereinafter specified,

IT IS HEREBY ORDERED, that the City of Glendale be and it is hereby granted permission to install a crossing at grade over the tracks of Pacific Electric Railway and said Gardena Avenue described as follows:

A piece or parcel of land situated in the City of Glendale, County of Los Angeles, State of California, and being all of that portion of a certain strip of land sixty (60) feet in width conveyed by L. C. Brand and wife to Los Angeles Interurban Railway Company by deed recorded in Book 2645, page 73 of Deeds, Records of said County, lying between the southeasterly prolongations of the northeasterly and southwesterly lines of Gardena Avenue seventy (70) feet in width, as shown on map of Tract No. 987 recorded in Book 16, page 133 of Maps, Records of said County.

All of the above as shown by the map attached to the application; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne by the applicant. The cost of its maintenance up to a line two (2) feet outside the rails shall be borne by the applicant. The maintenance of that portion of the crossing between the rails and two (2) feet outside thereof shall be borne by Pacific Electric Railway Company

(2) The crossing shall be constructed of a width not less than forty (40) feet and at an angle of ninety (90) degrees to the railroad and with grade of approach not greater than two percent: shall be protected by a suitable crossing sign and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the expense of applicant, said flagman to be of a type and installed in accordance with plans or data approved by the Commission. At the expiration of the authorization of said crossing herein Pacific Electric Railway Company

shall refund to applicant the salvage value of the materials salvaged when said flagman is removed. The maintenance of said flagman shall be borne by Pacific Electric Railway Company.

(4) The authorization herein granted for the installation of said crossing shall lapse and become void two years from the date of this order, whereupon said crossing shall be abolished 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 it, in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 18th day of January, 1923.

C. S. Seawing

W. H. Brundage

Iving Masten

Everett Shore

J. H. Whittney
Commissioners.