

ORIGINAL

Decision No.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
 of the City of Pasadena, a municipal corporation, for an order
 authorizing said City to construct
 a crossing at grade across the right
 of way and tracks of The Atchison,
 Topeka and Santa Fe Railway Company,
 and for an order requiring said Railway Company to lower the grade of its
 roadbed and tracks at certain crossings
 and certain points along the line of its
 right of way in said City.

Application No. 1260

E. W. Camp for The Atchison, Topeka and
 Santa Fe Railway Company
 John Munger for City of Pasadena.

EDGERTON, Commissioner.

O P I N I O N

The City of Pasadena on August 1, 1914, filed an application with the Commission in the above entitled matter, and thereafter, on September 7, 1914, a public hearing was had at Pasadena, at which the two parties in interest were represented.

This application asks for an order in two matters, first, permission to construct Sierra Bonita Avenue across the track of the Atchison, Topeka and Santa Fe Railway at grade in the place and manner shown on the map and profile accompanying the application, and, second, requiring the Atchison, Topeka and Santa Fe Railway Company to lower its grade through the City of Pasadena at several points where the street grade intersects the tracks of the railway company and where the grades of the street and the track do not coincide.

Considering first the crossing. Sierra Bonita Avenue is a north and south street, which is open and graded

north and south of the track to the right of way line of the Santa Fe. The right of way at this point is not fenced and although there is no crossing open to the public, pedestrians now cross the track at will. Trees and a barn at present obstruct the view of the track from the street. To the east of Sierra Bonita Avenue the nearest street open is Allen Avenue, at a distance of about 1300 feet. To the west the nearest open street is Hill street, about the same distance away.

North of the track and connecting with Sierra Bonita Avenue are two east and west streets, namely Locust and Corson. On both of these streets, as well as on the streets connecting with Sierra Bonita on the south of the track and on Sierra Bonita itself, are many homes and it is mainly to serve the people living there that this crossing is applied for. Sierra Bonita Avenue will probably never be a main north and south thoroughfare but the City High School is on this street at its intersection with Colorado, which is about 1400 feet south of the crossing, and north of the crossing is the primary school near the intersection of this street with Villa Street, which is about 1400 feet north of the track.

The territory east and west of Sierra Bonita south of the track, as well as north of it, is tributary to the primary school, and all of the territory north of the track is, of course, tributary to the high school. Testimony on this point showed that very many school children and teachers cross the track now at this point and to deprive them of the crossing would necessitate about half a mile of additional walk each way to and from school.

It was stated that the lack of the crossing caused considerable inconvenience to drivers of vehicles, by reason of the fact that the street is graded to the track but not across it, and it is apparent from the maps that the nearest way for people living on Corson, Locust and the north part of Sierra

Bonita to reach a car line is via Sierra Bonita to Colorado.

Testimony was introduced which showed that the construction of this crossing would remove the obstacles to the view which now exist, and it was also stated, and I believe it to be a fact, that with these obstacles removed and proper protection installed, the crossing will not be dangerous and it will certainly be safer for pedestrians than it is at present.

Considering the long distance from the next adjacent crossing in both directions, the need of the crossing for the use of school children and teachers and the added convenience it would bring to other pedestrians and to the drivers of vehicles, I am of the opinion that the City of Pasadena should be granted permission to install a grade crossing at this point. I believe, however, it should be protected by a suitable crossing protection device, and I see no reason why the cost of the crossing and the protection device should not be borne by the applicant.

In regard to changing the grade of the track at street intersections: Three streets were especially mentioned in the application, Elm Street, the proposed crossing at Sierra Bonita Avenue and Meredith Avenue. At present the grade of the track at Elm Street is 1.6 feet above the grade of the street. It was shown that at one time the grades of the street and of the track coincided at their intersection, but that the grade of the street was lowered some years ago without reference to the track. Although possibly part of the present difference in elevation was made by the Santa Fe in raising the track, the greater part of it was undoubtedly due to the lowering of the street grade by the city. In any event, the grade of the track was substantially as it is now when the street was paved.

The engineer for the Santa Fe testified that it would cost his company in the neighborhood of \$1,550 to reduce the grade as applied for at this street, and that such reduction would not

be satisfactory to the railroad company, since it would result in a broken grade line. There was also some doubt expressed as to the possibility of taking care of the water which flows along the street, and under the track, due to the decrease in the culvert headroom which would follow the lowering of the street grade.

I am of the opinion that to require the railway company to lower their grade at this point 1.6 feet at an expenditure of \$1,550 would be to require it to spend money for which no equivalent benefit would accrue either to the city or to the users of the crossing, and that such change even if it were of much benefit to the city, and it were equitable for the railway company to pay for this benefit, would work a hardship on the company by forcing them to the use of a broken grade line when elsewhere, as is a well known fact, railroad companies spend large sums of money to avoid just such broken grade lines as this would necessitate.

Regarding the danger at the crossing: The only danger particularly mentioned is due to the steepness of the grades of the approaches. This is a matter the city can easily rectify at no great cost, and I recommend to the City Commissioners of Pasadena the elimination of whatever danger may now exist at this crossing through reducing the grade at this point by suitably lengthening the approaches. At Sierra Bonita and Meredith Avenues the streets are not yet open across the track. At the former street the difference of grade is 3 feet and at the latter, 4 feet, the track being above the street in both cases. Meredith Avenue, it was shown, might never be opened as a street across the track and at Sierra Bonita, the future crossing, can be so graded that the present difference in grades will be overcome by raising the street grade or using longer grades of approach.

In regard to this whole question of lowering grades, I believe that it will be a question of only a short time until the City of Pasadena and the Santa Fe Railway will have to get together on a comprehensive plan to eliminate all grade crossings in the city.

on a fair basis to both the city and the company, and I believe that any considerable amount of money spent now in revising or reconstructing grade crossings will have a tendency to postpone the day when such desirable separation of grades will take place.

I am of the opinion, therefore, that that part of the application which refers to lowering grades should be denied.

I submit herewith the following form of order:

O R D E R

The City of Pasadena having applied to the Railroad Commission in the above entitled matter, and a hearing having been duly held at which the facts were developed as outlined above,

IT IS HEREBY ORDERED by the Railroad Commission of the State of California that permission be and hereby is granted the City of Pasadena to construct Sierra Bonita Avenue at grade across the track of The Atchison, Topeka and Santa Fe Railway Company at the location applied for and as shown by the map attached to the application. Said crossing to be made to conform to the existing grade of The Atchison, Topeka and Santa Fe Railway Company and to be constructed subject to the following conditions:

1. Said crossing shall be protected by a first class automatic crossing flagman of a type approved by the Commission and have as its salient features a gong or bell and swinging blade or disk which shall display a red light at night and upon which shall be displayed suitable words to indicate its purpose.

2. Said crossing shall be constructed of a width of not less than 24 feet with grades of approach not exceeding 4% and it shall in every way be made safe for the passage thereover of vehicles and other road traffic.

3. The entire expense of constructing the crossing together with the installation of the automatic crossing flagman

hereinaabove mentioned shall be borne by the applicant.

4. The cost of maintaining said crossing hereafter in a good and safe condition shall be borne by applicant up to a line two feet outside of the rails of The Atchison, Topeka and Santa Fe Railway Company.

5. The cost of maintaining the crossing between the rails and to a line two feet outside thereof together with the cost of maintaining the crossing flagman hereinbefore mentioned shall be borne by The Atchison, Topeka & Santa Fe Railway Company.

6. The Commission reserves the right to make such other orders in regard to said crossings as to it may seem right and proper and to revoke its permission if public convenience and necessity demands such action.

IT IS HEREBY FURTHER ORDERED by the Railroad Commission of the State of California that that part of the application requesting the Commission to make its order requiring The Atchison, Topeka and Santa Fe Railway Company to lower the grade of its track across Elm Street, Sierra Bonita Avenue and Meredith Avenue and other streets, be and the same hereby is denied.

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.

Dated at San Francisco, California, this 21st day of September, 1914.

John M. Eshleman
W. L. Leland
Mar. Thelen
Edwin O. Edgerton
Commissioners.