

ORIGINAL

Decision No. 29404

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY for an order
requiring the closing of Crossings
Nos. B-475.0, B-475.5 and B-475.8,
over the tracks of Southern Pacific
Company between Aviation Drive and
Goodwin Avenue in the City of Glendale,
State of California.)
Application No. 20379

In the Matter of the Application of
SOUTHERN PACIFIC COMPANY, for an order
requiring the closing of grade cross-
ing No. B-474.4 across tracks of
Southern Pacific Company between Grand-
view Avenue and Aviation Drive, in the
City of Glendale, County of Los Angeles,
State of California.)
Application No. 20494

In the Matter of the Application of
the CITY OF GLENDALE, a municipapl
corporation, for permission to install
a grade crossing over tracks of the
Southern Pacific Railroad Company at
Colorado Street.)
Application No. 20561

In the Matter of the Investigation on
the Commission's own motion into the
grade crossing situation of public
highways across Southern Pacific Com-
pany's tracks in the City of Glendale,
County of Los Angeles, California, be-
tween and including Grandview Avenue
Crossing (Crossing No. B-474.2) and
Goodwin Avenue Crossing (Crossing No.
B-476.1), with respect to the number
of crossings necessary to meet public
needs for access across the railroad
and suitable protection at the various
crossings.)
Case No. 4159

C. W. CORNELL, for Southern Pacific Company in
Applications Nos. 20379, 20494 and Protestant
in Application 20561.

AUBREY N. IRWIN, City Attorney of the City of
Glendale, and H. B. NOBLE, Deputy City Attorney,
for Application 20561 and protesting all other
Applications for closing of crossings.

RAY L. CHESEBRO, City Attorney of Los Angeles,
and FREDERICK VON SCHRADER, Assistant City
Attorney, for City of Los Angeles, Interested
Party.

J. W. WALTERS, Transportation Engineer, for Board
of Public Utilities and Transportation of the
City of Los Angeles.

JAMES F. McERYDE, for Chamber of Commerce of the
City of Glendale, Interested Party.

W. D. BURNETT, for Monolith Portland Cement Company,
with reference to closing of Cutter Street
(Crossing No. B-475.0), Protestant.

J. N. PETERSON, for Smart and Final, Interested
Party.

E. E. EAST, for Automobile Club of Southern
California, Interested Party.

L. H. WILSON, for Glendale Industrial Association,
Interested Party.

JOSEPH A. MELLEN, for Regional Planning Commission
and for Supervisor Jessup of the Fifth Super-
visorial District, Interested Parties.

BY THE COMMISSION.

OPINION

Applications Nos. 20379 and 20494 were filed by Southern Pacific Company, seeking an order from the Commission, pursuant to Section 43 (b) of the Public Utilities Act, directing the abandonment and physical closing of grade crossings Nos. B-474.4, B-475.0, B-475.5 and B-475.8 over its double-track main line between Grandview Avenue and Goodwin Avenue in the City of Glendale.

Application No. 20561 was filed by the City of Glendale, seeking permission to install a grade crossing over the Southern Pacific tracks at Colorado Street.

At an informal conference, held in the office of the Commission at Los Angeles on August 12, 1936, at which there were present representatives of the City of Glendale, City of Los Angeles, Southern Pacific Company, Los Angeles County Grade Crossing Committee and the Commission's Engineering Department, it was agreed that a Fact Finding Committee would be formed, whose duty it would be to make a study of the entire grade crossing situation between and including Grandview Avenue (Crossing No. B-474.2) on the north and Goodwin Avenue (Crossing No. B-476.1) on the south, all in the City of Glendale. It was the consensus of opinion of this committee that the Commission should institute an investigation on its own motion dealing with this entire grade crossing problem. As a result of this recommendation, Case No. 4159 was instituted by the Commission on its own motion.

Public hearings on the above matters were held at Los Angeles on September 17 and 18, 1936, before Examiner Hunter, and it was stipulated by the interested parties that the four matters should be consolidated for the taking of evidence.

As shown by the report of the Fact Finding Committee, which was introduced at the hearing as Exhibit No. 2⁽¹⁾, the territory involved is traversed in a general north and south direction by the Southern Pacific Company's double track main line between San Francisco and Los Angeles, with San Fernando Road on the east and, for a portion of the way, with San Fernando Road West on the west. Verdugo Wash, which is a large, improved drainage channel, crosses both Southern Pacific tracks and San Fernando Road between Crossings Nos. B-474.4 and B-475.0.

With respect to the grade crossing situation to the north of Verdugo Wash, we find a rather large area which is potentially industrial

(1) This exhibit was introduced by A. F. Ager, of the Commission's staff.

property, comprising some thirty acres, now served only by two semi-public crossings which, in their present condition, do not provide suitable and adequate outlets over the railroad. This area is bounded on the north by the Grand Central Airport and by property owned by the City of Los Angeles; on the east by Air Way and Southern Pacific tracks; on the south by Verdugo Wash, and on the west by the Los Angeles River.

Grandview Avenue crosses the Southern Pacific tracks at the Airport connecting San Fernando Road on the east to Air Way on the west. A semi-public crossing, B-474.4, originally opened as a private farm crossing at an unknown date, leads from San Fernando Road to the improved portion of Air Way. An additional semi-public crossing, B-474.5, which likewise came into existence as a private crossing, crosses the Southern Pacific tracks and right of way approximately 500 feet south of crossing No. B-474.4. At the present time, crossing No. B-474.5 serves as the only entrance to the material yard of the City of Glendale and is also used in connection with the construction of flood protection work along the Los Angeles River, now being carried on by the United States Engineering Department.

The area south of Verdugo Wash, which is affected by the grade crossings involved in these proceedings, is bounded on the north by Verdugo Wash; on the east by Southern Pacific tracks; on the south by Goodwin Avenue; and on the west by the Los Angeles River. This area contains approximately two hundred acres and is partially developed with industries. Measured along the center line of the railroad, it extends for a distance of approximately 7,000 feet.

At the point of the proposed grade crossing over the Southern Pacific track at Colorado Street, the Los Angeles River is about 2,000 feet west of the Southern Pacific tracks and the bed of the

river is approximately 50 feet lower than the tracks. The westerly line of the railroad right of way is the west city limit line of Glendale and likewise is the east city limit line of Los Angeles. This territory is served by three improved grade crossings over Southern Pacific Company's tracks, each of which is provided with two crossing signals equipped with second train indicators. These three streets, namely, Aviation Drive, Broadway and Goodwin Avenue, extend across the double tracks of the railroad, connecting the industrial area west of the railroad with the street system of Glendale, as well as the through state highway, San Fernando Road. In addition, there were constructed three narrow, unimproved crossings from San Fernando Road across the railroad tracks, between Aviation Drive and Goodwin Avenue. It appears from the record that no easements were ever granted for these crossings, namely, B-475.0, B-475.5 and B-475.8; also, that they have not been traveled since the completion and opening of San Fernando Road West and the improvement of the Aviation Drive crossing about November, 1935. They were first temporarily barricaded by the contractor in connection with the construction of San Fernando Road West and, upon completion of this work, the present barricades were erected by Southern Pacific Company and have since been continuously maintained by it.

The area west of the Southern Pacific tracks, which is served by the crossings referred to above, and south of Verdugo Wash, all lies within the City of Los Angeles. A large percentage of this area is still available for industrial development and industry drill tracks were constructed about ten years ago by Southern Pacific Company to provide railroad service for the industries which it was anticipated would locate there. Until approximately a year ago, the area was not adequately served by public utilities. With the improvement of San Fernando Road West, however, these utilities were installed, pro-

viding a twelve-inch water main, twenty-four-inch gas main, appropriate power facilities and connections to the Glendale-Los Angeles outfall sewer system. With the completion of the construction of levees on each side of the Los Angeles River, now being carried on by the Federal Government, the Los Angeles River will be confined to a definite channel and this area will have comparative immunity from flood hazard, which should assist in making the entire tract more satisfactory for development.

The rail line involved is Southern Pacific Company's double-track main line, over which moves all of the rail traffic between Los Angeles, on the one hand, and points to the north, on the other hand. This includes traffic to the coastal points, as well as those in the San Joaquin and Sacramento Valleys. Train speeds through this area are restricted to fifty miles per hour for passenger and thirty-five miles per hour for freight.

The City of Glendale challenges the railroad's and the Commission's authority to close the crossings involved in these proceedings, taking the position that affairs of this nature are expressly covered by its charter, which takes precedence over any action the Commission might take. The record would seem to indicate, however, that the City is not averse to the closing of the four crossings as proposed herein, recognizing their potential hazard, but its willingness that these crossings be closed is predicated upon the Commission's granting authority to the City to construct a new crossing, properly protected, at Colorado Street.

Decision No. 14767, dated April 10th, 1925, on Application No. 10737, authorized the construction by the City of Glendale of a crossing over the Southern Pacific tracks at Broadway. The opinion in that decision stated that Colorado Street appears to be the logical location for a permanent crossing at separated grades and that the Broadway

crossing, as authorized therein, should be considered temporary until a permanent crossing at separated grades at Colorado Street could be constructed. The City of Glendale takes the position now that both crossings are required and that the opening of Colorado Street should not be made contingent upon the closing of Broadway.

Under date of July 13, 1936, Southern Pacific Company directed a communication to the Commission, requesting the reopening of Application No. 10737. With the institution of Case No. 4159, Southern Pacific Company directed a letter to the Commission, under date of August 12, asking that its request for the reopening of Application No. 10737 be withdrawn.

On April 20, 1928, the City of Glendale filed Application No. 14626, seeking authority of the Commission to open Colorado Street at grade over the railroad tracks. On June 6, 1928, the Commission made its order reopening Application No. 10737 for further hearing. Public hearings were had in Glendale and Los Angeles and the matters were consolidated for the receipt of evidence. The decision on these matters, No. 21029, dated April 29, 1929, denied the application of the City of Glendale, without prejudice, and affirmed its Decision No. 14764 on Application No. 10737. The Los Angeles County Grade Crossing Committee entered an appearance at these hearings in opposition to the City's proposal to open the Colorado Street crossing at grade.

The City of Glendale contends now, however, that conditions have undergone a radical change in this area and that the time has now arrived when it is essential that an additional crossing should be provided in this area, despite the fact that Colorado Street is not open west of the tracks except for a distance of approximately 300 feet.

The firm of Smart and Final has constructed a large wholesale grocery distributing plant at the northwest corner of Colorado Street

and San Fernando Road West and the testimony shows that during the period from August 31 to September 5, both dates inclusive, a check of the traffic to and from this plant showed 956 trucks and passenger cars entering the shipping dock from points east of the tracks. The City contends that this volume of traffic alone would justify the opening of the Colorado Street crossing. Further than this, it is the City's contention that, with the opening of this crossing, the prospective opening of Colorado Street through to a connection with Victory Truck Boulevard east of the Los Angeles River will be expedited and that whether or not this is brought about in the immediate future, construction of the crossing would enable persons from the Glendale, Eagle Rock and Pasadena sections to proceed westerly over Colorado Street, San Fernando Road West, Goodwin Avenue, Brunswick Avenue and Los Feliz Boulevard into Los Angeles and Hollywood, and eliminate the necessity of traveling long distances over heavily congested arteries, such as Brand Boulevard or Glendale Avenue.

The Monolith Portland Cement Company has recently acquired a piece of property west of the Southern Pacific tracks and between Cutter Street and Sperry Street. It is the proposal of this company to construct a large distributing warehouse on this property as well as a service station, and it is its contention that crossing No. B-475.0 should not be abandoned, for the reason that it affords access over the railroad to this property. The Cement Company proposes to truck cement from its plant near Mojave to this distributing warehouse, and contends that the crossing above referred to saves unnecessary detours which would be caused by their having to use the Aviation Drive crossing (B-474.8). The record fails to bear out this contention, however, and we are of the opinion that, with the improvement of the approaches to the Aviation Drive crossing, this Company will be afforded access to its proposed plant with little or no inconvenience to itself.

The City of Glendale, for some time, has been considering the extension and improvement of Air Way along the westerly side of Southern Pacific tracks between the Air Terminal property and Graynold Avenue. As part of this street extension, it is proposed to improve the actual crossing of Graynold Avenue over the Southern Pacific tracks. With the consummation of such a project, it would seem that crossing No. B-474.4 would no longer be necessary.

A review of this record leads to the conclusion that this order should prescribe a definite grade crossing plan within the area involved. The grade crossing situation in its present status is not satisfactory and should be modified to more nearly meet public needs for access over Southern Pacific Company's tracks. While the record is not conclusive that there is an urgent need for a new grade crossing over the railroad at Colorado Street, as proposed herein, it does appear that when this crossing is considered in connection with the entire grade crossing situation, the Commission should grant this crossing only upon condition that the City of Glendale carry out all other requirements of this order.

In passing, it is recognized that it would be most desirable to construct the proposed crossing at Colorado Street at separated grades with the railroad. This type of improvement would require the expenditure of a large sum of money, as it would not only involve considerable property damage, but would also necessitate a separation of Colorado Street with the two highways adjacent to the railroad. There is nothing in this record, however, which would justify the Commission in directing that this crossing be separated at this time, as none of the parties have urged such a plan and it appears financially impracticable.

O R D E R

Public hearings having been held, and the Commission being fully advised,

IT IS HEREBY ORDERED that the authorization herein granted is contingent upon the order being accepted and executed by the City of Glendale in its entirety, insofar as any conditions herein shall be directed against the City. If the City of Glendale fails to comply with any of the conditions imposed upon it by this order, the authority granted herein shall become null and void.

IT IS HEREBY FURTHER ORDERED that the City of Glendale in the County of Los Angeles, State of California, is hereby authorized to construct Colorado Street at grade across the tracks of Southern Pacific Railroad Company, at the location more particularly described in Application No. 20561 and as shown by the maps attached thereto, subject to the following conditions, and not otherwise:

- (1) The above crossing shall be identified as Crossing No. B-475.7.
- (2) The entire expense of constructing the crossing shall be borne by the applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by the applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by the Southern Pacific Railroad Company. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant in any manner whatsoever, to the operative property of the Southern Pacific Railroad Company. Southern Pacific Railroad Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (3) The crossing shall be constructed of a width of not less than eighty (80) feet and at an angle of ninety (90) degrees to the railroad

and with grades of approach not greater than five (5) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in General Order No. 72 of this Commission, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Two Standard No. 4 wigwags, as specified in General Order No. 75-A of this Commission, shall be installed at the sole expense of the City of Glendale, for the protection of said crossing of Colorado Street, Crossing No. B-475.7. The maintenance of these protective devices shall thereafter be borne by the Southern Pacific Railroad Company. Each of the above signals shall be so equipped as to provide warning to motorists of the approach of a second train.
- (5) Prior to the beginning of actual construction of the said Colorado Street grade crossing herein authorized, the City of Glendale shall:
 - (a) File with this Commission a certified copy of an appropriate order or resolution duly and regularly passed, legally abandoning said grade crossings identified as Nos. B-475.0, B-475.5 and B-475.8
 - (b) File with this Commission a certified copy of an appropriate order or resolution duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the said existing grade crossing identified as Crossing No. B-474.4. Upon the completion of said Colorado Street grade crossing and upon its being opened to public use and travel, Crossing No. B-474.4 shall be legally abandoned and effectively closed to public use and travel.

IT IS HEREBY FURTHER ORDERED that the so-called Graynold Avenue crossing, identified as crossing No. B-474.5, shall be re-located and improved to a minimum width of forty (40) feet, equal or superior to the Commission's Standard No. 2 crossing, as shown in this Commission's General Order No. 72. As a part of this improvement, two Standard No. 4 wigwags, each equipped so as to indicate the approach of a second train, shall be installed at the Graynold Avenue crossing, B-474.5. The cost of providing this protection and of improving the crossing shall be borne equally by the City of Glendale and the Southern Pacific Railroad Company. The cost of maintaining these protective devices thereafter shall be borne by the Southern Pacific Railroad Company. Also as a part of this improvement, Air Way, located west of and parallel to the

Southern Pacific tracks, shall be widened and improved from the end of the existing pavement to a connection with Graynold Avenue. The cost of this portion of the improvement shall be borne by the City of Glendale.

IT IS HEREBY FURTHER ORDERED that, as a part of this entire grade crossing plan, the approaches to the Aviation Drive crossing (No. B-474.8) shall be realigned and improved in accordance with the plan shown on the map attached to Application No. 20379 and identified as Southern Pacific Company's Drawing D-219 L.A. Division, so that turning movements over the railroad will be afforded a curved connection to the adjacent highways.

IT IS HEREBY FURTHER ORDERED that this entire order is subject to the following conditions:

- (1) Applicant, City of Glendale, shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of the Colorado Street crossing (No. B-475.7) and of its compliance with the conditions hereof.
- (2) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.
- (3) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of said crossings, as to it may seem right and proper, and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

For all other purposes the effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 29th day of December, 1936.

M. Blain
Leon Whitman
James H. Kelly
Commissioners