

Decision No. 54325**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the CITY OF BURBANK, a municipal)
 corporation, for an order or orders)
 authorizing and requiring the con-)
 struction of a grade separation of)
 the crossing of BURBANK BOULEVARD and)
 the railroad of the SOUTHERN PACIFIC)
 COMPANY and/or the SOUTHERN PACIFIC)
 RAILROAD COMPANY, prescribing the)
 terms upon which such separation shall)
 be made, designating the portions of)
 the work to be done respectively by)
 said City and/or said railroad cor-)
 poration and/or other interested or)
 affected party or parties, and allo-)
 cating the cost thereof between or)
 among said railroad, said City and)
 any other interested or affected)
 party or parties.)

Application No. 35691

Samuel Gorlick, for the City of Burbank.
Robert E. Reed, George C. Hadley and R. B. Pegram,
 for the Department of Public Works of the
 State of California.
E. D. Yeomans and Walt Steiger, for the Southern
 Pacific Company.
Forrest Shumway, for the County of Los Angeles.
Alan F. Williams, for the Public Utilities
 Commission staff.

O P I N I O N

The City of Burbank requests an order from this Commission authorizing and requiring the construction of a grade separation at the intersection of Burbank Boulevard and the tracks of the Southern Pacific Company at a crossing now designated as B-471.5. In addition it is requested that the Commission designate the portions of work to be done by the City of Burbank, the Southern Pacific Company, and other parties, and also fix, determine and allocate the portions of the cost to be borne respectively by the parties.

Public hearings were held in Los Angeles before Examiner Grant E. Syphers on October 9, 1955, January 18, April 13, July 27 and September 24, 1956. On these dates evidence was adduced and on the last named date the matter was submitted. It now is ready for decision.

The evidence discloses that the Division of Highways of the State of California proposes to construct the Golden State Freeway (U.S. 6 and 99), a portion of which will be approximately parallel to and about 650 feet from the Southern Pacific Company's tracks in the vicinity of Burbank Boulevard. While the freeway can be completed without constructing a grade separation at the crossing herein concerned, the City of Burbank is desirous of having such a separation completed.

The estimated cost of the construction will be \$800,000 and it is proposed that the construction shall be under the control of the Division of Highways of the California Department of Public Works. The City of Burbank has agreed to deposit with the State Treasury the sum of \$800,000 to cover the cost of this construction. Exhibit No. 2, introduced in evidence, is an agreement between the City of Burbank and the California Department of Public Works which makes provision as to the financial arrangements hereinbefore described. In addition, the Department of Public Works agrees to design and construct the overpass, and the City agrees to provide the necessary lands and rights of way as well as to arrange for the relocation of any utility facilities which may be involved.

Exhibit No. 1 is a copy of a resolution by the Board of Supervisors of the County of Los Angeles wherein that Board approved the expenditure of \$150,000 toward the construction of the proposed grade separation. Exhibit No. 3 is a letter from the Southern Pacific Company wherein that company has offered to

contribute \$150,000 toward the cost of this separation. Exhibit No. 4 is a copy of a resolution of the City Council of the City of Burbank, accepting this offer of the Southern Pacific Company.

There were presented at the hearing various maps of the proposed project and of the freeway location. Likewise, a study was introduced showing the vehicular traffic now using the existing crossing and the delays encountered by that traffic as a result of train movements. In substance, it was testified that Burbank Boulevard is a main traffic artery and that the rail line in question is the main line of the Southern Pacific Company in the area.

Exhibit No. 5 is a stipulation entered into between the City of Burbank and the Southern Pacific Company, wherein the parties agree that public convenience and necessity require the proposed construction, and they stipulate to an order being issued by this Commission as to the allocation of costs and also as to the method of construction as hereinbefore set out.

A consideration of all of this record leads us to conclude, and we now find, that the separation of grade of Burbank Boulevard and the tracks of the Southern Pacific Company is required by public convenience and necessity. Accordingly the ensuing order will authorize this construction and the costs will be allocated according to the agreement and stipulation of the parties as described herein.

O R D E R

Application as above entitled having been filed, public hearings having been held thereon, and the Commission being fully advised in the premises,

IT IS ORDERED that the City of Burbank be and it hereby is authorized to separate the grades of Burbank Boulevard and the tracks of the Southern Pacific Company, subject to the following conditions:

1. Of the costs of the proposed structures, which are estimated to be \$800,000, the sum of \$150,000 shall be borne by the Southern Pacific Company, the sum of \$150,000 shall be borne by the County of Los Angeles, and the balance by the City of Burbank.
2. Upon completion of the construction of said separation the cost of maintaining the structure shall be borne by the City of Burbank.
3. Prior to the commencement of construction, the City of Burbank shall file with this Commission for approval a set of plans and specifications for the proposed construction, which plans shall have been approved by the Southern Pacific Company and the California Department of Public Works, or shall bear a statement as to why said approval has not been obtained. In the event approval of these plans is not obtained, this Commission may issue supplementary orders in this matter.
4. The grade separation structures shall be constructed with clearances conforming to the provisions of condition No. 14 of Decision No. 50807 in Application No. 36079 requiring an overhead clearance of not less than 23 feet 8 inches above top of rail and to other clearance requirements of General Order No. 26D.
5. Within thirty days after completion of the proposed structure the applicant shall notify this Commission in writing of that fact and of compliance with the conditions herein.
6. The authorization herein granted shall expire if not exercised within three years after the date hereof unless further time is granted by subsequent order.

7. The proposed structure shall be identified as Crossing No. B-471.5-A.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of DECEMBER, 1954.

Arthur E. Mitchell
 President

Ray C. Linterman

Wm. J. [unclear]

R. Hardy

Commissioners

Commissioner C. Lyn Fox being necessarily absent, did not participate in the disposition of this proceeding.