

ORIGINAL

Decision No. 14769

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
The People of the State of California )  
in relation of the CALIFORNIA HIGHWAY )  
COMMISSION for an order authorizing )  
the construction of a State Highway )  
crossing over the tracks of the )  
Southern Pacific Railroad, a corpora- )  
tion, near Hinton, Nevada County, )  
California. )

Application No. 10375.

Paul F. Fratessa, for applicant;  
F. W. Mielke, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding The People of the State of California on Relation of the California Highway Commission, ask for an order authorizing the construction of an overhead crossing of the new State Highway known as the "Victory Highway" over Southern Pacific Company's tracks near Hinton, Nevada County, California.

A public hearing was held in this matter before Examiner Austin at Sacramento, March 18, 1925.

At the hearing, applicant requested that in addition to the relief sought in the application as filed, this Commission be asked to apportion the cost of the proposed overhead crossing, between the Highway Commission and Southern Pacific Company. As there was no opposition to this request, the amendment to the application was allowed.

The proposed overhead crossing is at Hinton, on Southern Pacific Company's line, about ten miles east of Truckee, Nevada County, California. This overhead crossing is a link in the so-

called "Victory Highway", which is to be a transcontinental highway artery across the country in an easterly direction from that portion of the highway traversing the central portion of the State of California. The California Highway Commission now has under construction that part of the Victory Highway east of Truckee, following the general course of the Truckee River and connecting with a portion of the Victory Highway being built by the State of Nevada, passing through Reno, Nevada. This new highway will entirely replace, for through traffic, the existing highway between Truckee and Reno, which is known as the "Dog Valley Road". At the hearing it was stipulated by the parties that there existed a public necessity for the new highway, and for the separation of grades at the proposed crossing. The new highway between Truckee and Reno will be an improvement over the existing one, in that the grades will be lighter, the roadway wider, and snow will not interfere with traffic on the new highway to the extent it does on the Dog Valley Road.

The railroad in the vicinity of the proposed crossing follows the north bank of the Truckee River. It is the main line of Southern Pacific Company between San Francisco, California, and Ogden, Utah. At this time of the year the railroad normally operates over this line a total of ten passenger and fifteen freight trains per day. During Summer season, the freight traffic is approximately twice as heavy. The railroad has a 400-foot right-of-way in the vicinity of the proposed overhead crossing, on which there is a double track main line, with a passing track between the main tracks. As this is a mountainous country, much depends upon selecting the most feasible route for the new highway. It appears that the Highway Commission has selected the proposed cross-

ing after making a thorough survey of the district. It is now proposed to carry the highway over the river and railroad by means of two concrete structures separated by a short fill. That portion over the railroad will be a reinforced concrete viaduct supported by three bents and two abutments. It will have a roadway width of 21 feet, will intersect the railroad at an angle of approximately 57 degrees and will be on a 6 percent grade descending toward the river. The total length of the overhead structure between abutments is 171 feet. This structure provides for the three existing tracks and affords adequate clearance for two additional tracks. The cost of the overhead structure is estimated at \$24,955., and the cost of grading the approaches within the railroad right-of-way is estimated at \$9,590.; the cost of the improvement proposed within the railroad right-of-way aggregating \$34,545. The proposed overhead structure provides for a minimum overhead clearance over the existing tracks of 22 feet. Southern Pacific Company plans to improve its tracks in the vicinity of the proposed crossing by increasing the weight of rail from 90 to 110 pounds and increasing the depth of the ballast. To provide for the necessary raising of the tracks, without violating the Commission's orders governing clearances, Southern Pacific Company requests that the overhead structure be constructed with a clearance of 22'8" above the top of the present rail. Applicant estimates the cost of raising the entire overhead structure eight inches, to be \$9,000. This requirement appears reasonable and should be provided for in this case. The total cost of the grade separation project, with a clearance of 22' 8" over the existing track will be approximately \$44,000.

The importance of this highway and railroad is such that it appears that public convenience and necessity require the separa-

tion of grades at the cost estimated.

Applicant contends that a substantial portion of the cost of this grade separation project be borne by Southern Pacific Company, but the Railroad objects to paying any portion of the cost, for the reason that the crossing is desired as a part of a new highway, and not to eliminate an existing hazard. Although the proposed overhead crossing is a portion of a new highway, the railroad company cannot reasonably expect to escape paying some portion of the improvement. Applicant has elected to carry its highway over the tracks of the railroad primarily to eliminate the public hazard of a grade crossing, a plan which will result in a material benefit to the railroad. Undoubtedly if applicant had attempted to locate its line with a grade crossing of the railroad, such a highway could have been constructed at less expense than one with a grade separation, but this would have resulted in a serious hazard, both to the railroad and to the public.

It is a well-established principle that the railroad incurs a continuing obligation to provide the public with reasonably safe opportunity to cross its tracks. It is in the public interest to keep the number of crossings over railroads at a minimum consistent with public needs. The crossings that are allowed should be constructed and maintained so as to create the least public hazard and inconvenience, consistent with reasonable expenditures. The railroad, in this case, will materially benefit by the construction of an overhead crossing, as compared with a grade crossing for the new State Highway. Therefore, the additional expense of carrying the highway over the railroad, as compared to a grade crossing, should be borne in part by the railroad.

After consideration of all the evidence in this case, it appears that an equitable apportionment of the cost providing for a

separated grade at the so-called "Victory" State Highway with the tracks of Southern Pacific Company, would be to assess 80 per cent of the cost of this work to applicant, and 20 per cent of the cost, exclusive of paving, to the railroad. The entire cost of paving the roadway should be borne by applicant.

O R D E R.

The People of the State of California on relation of the California Highway Commission, having made application for an order authorizing the construction of an overhead crossing over the tracks of Southern Pacific Company at Hinton, Nevada County, California, and apportioning the cost thereof, public hearing having been held, the matter having been submitted and being now ready for decision,

IT IS HEREBY FOUND AS A FACT that public convenience and necessity require the construction of an overhead crossing of the State Highway above and across the tracks of Southern Pacific Company, at the location hereinafter specified; therefore

IT IS HEREBY ORDERED that the People of the State of California on relation of the California Highway Commission, be and they are hereby authorized to construct an overhead crossing across the tracks of Southern Pacific Company at Hinton, Nevada County, California, as shown on the map (DIV. III. NEV. 38-B) attached to the application, said crossing to be constructed subject to the following conditions, viz:

(1) The proposed grade separation shall be constructed in accordance with detailed plans which shall be submitted to and approved by this Commission.

(2) The cost of the grade separation, exclusive of roadway pavement, shall be borne 80 per cent by applicant and 20 per cent

by Southern Pacific Company. The entire cost of paving the roadway of the viaduct and approaches shall be borne by applicant. The maintenance of said overgrade crossing shall be borne by applicant.

(3) All provisions of General Order No. 26-A of this Commission, which are pertinent hereto, shall be complied with.

(4) Applicant shall, within thirty days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) 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 if, in its judgment, public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 70<sup>th</sup> day of April, 1925.

H. A. Boudige

C. A. Seavey

Egerton Shore

George D. Squires

Ernest C. ...

Commissioners.