

Decision No. 18980 .

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
The City of Riverside for an order
of the Railroad Commission requiring
The Atchison, Topeka & Santa Fe Rail-
way Company to construct a viaduct
over Central Avenue, in said City,
for passage of said Company's trains.

Application No. 13706.

George A. French, for City of Riverside.

M. W. Reed and Leo E. Sievert, for The
Atchison, Topeka & Santa Fe Railway
Company.

CARR, COMMISSIONER:

O P I N I O N

This is an application by the City of Riverside for an order requiring a separation of grades where Central Avenue, in the City of Riverside, crosses the tracks of The Atchison, Topeka and Santa Fe Railway Company.

A public hearing was held in this matter at Riverside on August 31st, 1927, at which time evidence was introduced and the matter taken under submission.

Central Avenue is an east and west highway in the City of Riverside. In the vicinity of the proposed crossing it is fifty feet in width. The driveway, for a width of eighteen feet is improved with oil macadam. It appears that this highway, in the vicinity of the proposed separation, carries only a moderate amount of vehicular traffic. Although the plans of the Planning

Commission of Riverside contemplate making this highway an important traffic artery, there is nothing in the record to show that it will become so in the near future. It would appear, from its location, that its future importance would be confined largely to the distribution of traffic and as a connection between Magnolia Avenue and Victoria Avenue. A considerable portion of the traffic now using this highway is that going to and from a cemetery located east of the railroad and south of Central Avenue.

The railroad involved is the Santa Fe's line to the East via Corona. It is a single track line in this vicinity. The present normal traffic over this crossing consists of six passenger, four regular freight, and four extra freight trains per day. The grade crossing is now protected by an automatic flagman. The track in the vicinity of Central Avenue is on a fill with grades of approach of about five per cent to the west and three per cent to the east. The railroad crosses Central Avenue at an angle of about forty degrees.

About 1908, when the company was reconstructing its tracks through Riverside, the question came up between the company and the City as to the character of crossing which should be had at this point. There were negotiations between the two, with the result that it was agreed that the Santa Fe should do certain grading on Central Avenue and that this should be considered as a permanent settlement between the Company and the City respecting this particular crossing. This agreement formally was approved by the City Council of Riverside and the Company carried out its agreement in respect to grading. It appears that no accidents have occurred at this crossing.

The record shows that there has been some increase in traffic on Central Avenue since 1908, and some decrease in train movements. On the whole there seems to have been no material change in traffic conditions which would justify disturbing the arrangement made by the interested parties in 1908 by now requiring the railroad company to carry out any plan involving a considerable expenditure such as would be incident to a separation of grades. The only evidence as to cost was presented by the company. Its estimate was \$65,250.00.

A canal of the Riverside Water Company lies immediately west of the railroad right of way to the south of Central Avenue and crosses this highway at a point about 100 feet west of the track. Under the plans for the grade separation prepared by the City Engineer, it is contemplated that the roadway will pass over this canal. This would result in a bad grade condition which could be avoided by conveying the water under the highway in a siphon.

The Atchison, Topeka & Santa Fe Railway Company appeared and opposed the granting of this application, on the ground that public convenience and necessity did not justify the expenditure incident to the construction of the proposed undergrade crossing.

It appears from the evidence that a separation of grades would be of considerable benefit to property owners along Central Avenue. With the normal growth of the City, ranch property at this point is approaching the subdivision stage.. Grade conditions are such that subdivision is not

particularly desirable unless a separation of grades is had. It is not clear whether the City of Riverside is disposed to bear any part of the cost of separation out of its general funds and no plan seems to have been worked out for handling the cost of any such improvement by special assessment.

Representatives of the City of Riverside, when their attention was called to the agreement approved by the Council in 1908, suggested that the Commission pass upon the question as to whether or not there should be a grade separation at this location and if it was of the opinion that there should be, to leave the question of apportionment of cost open so that the city officials could confer with the railroad company respecting the apportionment of the same.

On the evidence presented, it appears that it would be a better plan of procedure to deny this application without prejudice to a future application by the City of Riverside for permission to construct an undergrade crossing at this point.

Therefore, the following form of order is recommended:

O R D E R

The City of Riverside, having applied for an order requiring The Atchison, Topeka and Santa Fe Railway Company to construct a viaduct over Central Avenue, in said City, for passage of said Company's trains, a public hearing having been held, the matter having been duly submitted, the Commission being now fully advised and basing its order on the

findings of fact as appearing in the opinion which precedes this order, therefore

IT IS HEREBY ORDERED that this application be and the same hereby is denied without prejudice.

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 3d day
November
of ~~September~~, 1927.

Edmund D. Casey
Leon A. Russell

M. J. Cas
Commissioners.