

Decision No. 21542.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of
The People of the State of California,
on relation of the Department of
Public Works, Division of Highways,
for an order authorizing the construc-
tion of a State highway crossing over
the Arcata and Mad River Railroad and
the Northwestern Pacific Railroad,
near Arcata, Humboldt County.

Application No. 15606.

M. A. Sanborn for Applicant.
Thelen & Marrin, by Paul S. Marrin,
for Arcata and Mad River Railroad
Company.
J. L. Campbell for Northwestern Pacific
Railroad Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the People of the State of California, on relation of the Department of Public Works, Division of Highways, request permission to construct a State Highway designated as Road I-Hum-1-1 at separated grades over the tracks of Northwestern Pacific Railroad Company and Arcata and Mad River Railroad in the vicinity of the City of Arcata, Humboldt County, California. The location of said proposed grade separation is shown on the map attached to the application.

A public hearing was held in this matter before Examiner Cannon on June 28th, 1929, in San Francisco.

The applicant in this proceeding requested that permission be granted for the construction of this grade separation without first holding a hearing, and in the event that applicant and the two interested railroads were unable to arrive at an

agreement as to apportioning the expense of the construction of this crossing that the Commission make its further order allocating such costs in such manner as it might deem just and equitable. The Arcata and Mad River Railroad Company protested this procedure and requested that the Commission allocate the cost of construction in its initial order.

The existing State Highway route running north from Arcata, after making several right-angle turns in Arcata, follows an existing county road to and across Mad River several miles north of Arcata.

The Highway Commission now plans to construct a State Highway along an entirely new alignment immediately north of Arcata. At a point approximately one and one-half miles north of Arcata, the proposed alignment curves to the west over high ground and across the tracks of both the Northwestern Pacific Railroad and the Arcata and Mad River Railroad and thence continues in a northwesterly direction across the valley of Mad River.

The proposed new highway and grade separation will not only be a great improvement over the existing route, but will attract a large amount of traffic from existing grade crossings. However, it does not appear that the proposed construction will permit of closing any of the existing grade crossings, as they are necessary to accommodate local traffic.

The proposed grade separation will cross over not only the tracks of the two railroads, but also a county road west of and parallel to the right-of-way of Arcata and Mad River Railroad. This county road is being used and maintained by the Highway Commission as a part of Route 20, extending from Arcata through Blue Lakes and Weaverville to Redding. The plan further provides an

opening for two tracks of the Northwestern Pacific and a single track of the Arcata and Mad River. It was agreed among the parties that the plan of grade separation proposed by the applicant was logical and reasonable.

It was suggested by a witness for applicant that the cost of this project be apportioned 75% to the state and 25% to the railroads. Counsel for the Arcata and Mad River Railroad suggested that the 25% proposed to be apportioned to the railroads be borne as follows: 12½% to the Northwestern Pacific; 6½% to Arcata and Mad River Railroad, and 6½% to the State Highway, this being upon the theory that the cost of the portion of the crossing over the Northwestern Pacific provides for two tracks and the crossing over the Arcata and Mad River Railroad provides for one track and that a grade separation is provided over Route 20. It was further requested that a definite sum be assessed against the Arcata and Mad River Railroad rather than a percentage of the final cost. The representative of the Northwestern Pacific contended that 25% of the entire cost was too much to be assessed against the railroads.

In the application it was estimated that the structure would cost \$53,547.45, but at the time of the hearing the contract price was available, which is considerably lower, or approximately \$33,200.00 for the structure and approach trestles.

At the hearing applicant was requested to submit to the parties a segregated estimate of the cost of construction, a summary of which follows:

Portion over Northwestern Pacific,	\$ 8,500.72
Portion over Arcata and Mad River Railroad,	6,980.29
Timber Trestle Approaches,	17,707.49
Total Structure,	<u>33,188.50</u>
Approach Fills,	4,366.00
Engineering and Contingencies,	5,633.17
Total,	<u>\$43,187.67</u>

Included in the cost of timber approaches is the cost of the crossing over the adjacent road.

In the event no railroads are operated at this location, the highway would be carried on an earth fill rather than on the overhead viaduct and it is believed that this earth fill would about balance the excess earth fills required for the approach to the structure. Therefore, it appears to the Commission that only the cost of construction of the structures, that is to say, from bulkhead to bulkhead of approach trestles, should be apportioned among the parties and that the cost of the adjacent earth fills and the pavement thereon should be borne by the applicant.

Owing to the fact that no existing grade crossings are eliminated by this grade separation, it is believed that the applicant should be assessed a major portion of cost. It appears just and reasonable that the applicant should bear 75% of the cost of this separation, the remaining 25% to be borne by the two railroads, the railroads' portion to be divided on the basis of the cost of the structure over their respective tracks, which amounts to 55% of the railroads' portion to the Northwestern Pacific Railroad Company or 14% of the total cost and 45% of the railroads' portion to Arcata and Mad River Railroad or 11% of the total cost.

The record in this proceeding does not appear to justify the Commission to deviate from its usual practice, as requested by the Arcata and Mad River Railroad, of assessing the cost between the parties on a percentage basis.

O R D E R

The People of the State of California, on relation of the Department of Public Works, Division of Highways, having made application to this Commission for an order authorizing the construction of State Highway, known as Road I-Hum-1-1, over the tracks of Northwestern Pacific Railroad Company and Arcata and Mad River Railroad Company, in the vicinity of the City of Arcata, County of Humboldt, State of California, a public hearing having been held, the Commission being apprised of the facts, the matter being under

submission and ready for decision, therefore

IT IS HEREBY ORDERED that permission and authority be and the same is hereby granted to the People of the State of California, on relation of the Department of Public Works, Division of Highways, to construct an overgrade crossing of State Highway, known as Road I-Hum-1-1, over the tracks of Northwestern Pacific Railroad Company and Arcata and Mad River Railroad Company in the vicinity of Arcata, County of Humboldt, State of California, substantially in accordance with the detailed plans filed in this proceeding and at a location as shown by the map, marked Exhibit "A" attached to the application.

That portion of said viaduct over the tracks of Northwestern Pacific Railroad Company shall be identified as Crossing No. 5-294.3-A and the portion over the track of Arcata and Mad River Railroad shall be identified as Crossing No. 13-4.6-A.

Said overhead crossing shall be constructed subject to the following conditions:

(1) The cost of construction of said overgrade crossing, including approach trestles between and including bulkheads shall be borne seventy-five (75) per cent by applicant, fourteen (14) per cent by Northwestern Pacific Railroad Company and eleven (11) per cent by Arcata and Mad River Railroad Company. The cost of approach earthwork fills, including paving, shall be borne by applicant.

(2) Applicant shall, within ninety (90) days from the date hereof, file with this Commission a certified copy or copies of agreement or agreements between the interested parties relative to division of cost of construction and maintenance of said overgrade crossing. Said agreement shall be subject to the approval of this Commission.

(3) Said crossing shall be constructed with clearances conforming to the provisions of this Commission's General Orders Nos. 26-C and 64-A.

(4) Applicant shall, within thirty (30) days from the date hereof 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.

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

Dated at San Francisco, California, this 12th day of September, 1929.

Thos S. Lott
AC Lanning
Ernest C. Lott
Leon Whitell
W. J. Carr
Commissioners.