

Decision No. 34281.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
 The County of Riverside, a body
 politic and corporate of the State
 of California for an order authoriz-
 ing the construction of a crossing
 for a public highway over the right
 of way of the Southern Pacific
 Railroad.

Application No. 17615.

ORIGINAL

George A. French, Chief Deputy District Attorney
 for Applicant.

Roy G. Hillebrand, for Southern Pacific Company,
 Protestant.

BY THE COMMISSION:

O P I N I O N

This is an application of the County of Riverside for authority to open a public crossing at grade with the tracks of Southern Pacific Company in the vicinity of Palm Springs Station, County of Riverside.

A public hearing was conducted by Examiner Handford at Riverside on November 12th, 1931.

The crossing applied for is intended to furnish access to the territory in the vicinity of Snow Creek, in the San Jacinto Mountains. A private crossing equipped with gates has been maintained at the point of the proposed crossing for many years and a right of way has been dedicated for a county road along the section line between Sections 15 and 16, in T. 3 S., R. 3 E., S.B.E.M. While the road connecting with the private crossing does not definitely follow this right of way

it is considered a county road, probably by right of adverse possession, and the County of Riverside has spent some money in maintaining it in passable condition. The county has no immediate plan for any extensive improvement of the road. The supervisor for this district stated that he considered the present crossing satisfactory for public use and that the purpose of the application was simply to change the status of the crossing from private to public, remove the gates and install cattle guards.

That portion of the mountains reached by this road has in the past been used to a considerable extent as a recreation area. The State of California maintains a fish hatchery at Snow Creek and Southern Pacific Company secures its water supply for stations at Palm Springs and Garnett from this creek. Employees at the fish hatchery and caretaker for Southern Pacific Company's water supply use the private crossing and in addition there are some parcels of privately owned property, the owners of which, in most instances, reside elsewhere but occasionally cross the track at this point. During the vacation season and on Sundays and holidays there has also been considerable use of the crossing by persons traveling to and from mountain recreational areas.

Southern Pacific Company in protesting the application claimed that due to pollution of the waters of Snow Creek, camping privileges in the vicinity have been withdrawn by The Southern Sierras Power Company and the State Forestry Department and that in the future the use of the crossing by persons seeking recreation would diminish rather than increase. Southern Pacific Company took the position that the existing private crossing was adequate to serve all legitimate need for access to the Snow Creek area and that being equipped with gates the private crossing would be far less hazardous than an open

public crossing.

The railroad in this vicinity is on a 1.85% grade descending to the east. Ten passenger trains pass over the crossing each day and at the present time an average of nine freight trains per day. In addition there is frequent movement of helper engines returning from assisting trains over the grade. Train movements are generally at maximum speed and eastward movements descending the grade make practically no noise. The nearest public crossing to the east is that of the road to Palm Springs, approximately two miles distant, while to the westward the nearest public crossing is 6.9 miles. There is no connection from either of these public crossings to the Snow Creek Road.

After fully considering the evidence in this record, the Commission is of the opinion that there has not been sufficient showing of public necessity to open a crossing, which we believe would offer more than the usual hazard to the traveling public. The application will therefore be denied.

ORDER

Public hearing having been held, the matter having been duly submitted, and the Commission being now fully advised,

IT IS HEREBY ORDERED that the above entitled application be and the same hereby is denied.

Dated at San Francisco, California, this 7th day of December, 1931.

Ch. Seney
Leon Whitwell
M. J. Kim
W. B. Harris
Frederic G. Stevens
Commissioners.