

Decision No. 24915.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of Application of SOUTHERN PACIFIC COMPANY for an order requiring the alteration of overhead highway crossing No. A-19.3-A over the tracks of Southern Pacific Company approximately 2,100 feet northeast of Giant Station, California, and allocating the expense thereof in such manner as the Commission shall find reasonable.

Application No. 17626.

Foulds, Hobbs and Myers, by R. S. Myers,
for Applicant.

J. F. Hoey, District Attorney, for County
of Contra Costa, Protestant.

James M. Long, for First Supervisorial Dis-
trict of Contra Costa County,
Protestant.

Timming and DeLap, by T. H. DeLap, for
Giant Powder Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding Southern Pacific Company seeks an order requiring the alteration of the highway overhead crossing with its main line tracks located approximately 2,100 feet north of the Station of Giant, County of Contra Costa, State of California.

Public hearings were held on March 29th and April 23rd, 1932, at Martinez, before Examiner Johnson, at which time the matter was submitted, with the option of the parties to file briefs in thirty days, which have not been filed.

Southern Pacific Company's double track line (Ogden

Route) passes through the unincorporated district of Giant, located between the City of Richmond and the Town of Pinole, in Contra Costa County. A wooden highway bridge is constructed over this double track line at a point approximately 2,100 feet northeast of Giant Station and is designated in the Commission's records as Crossing No. A-19.3-A. The record shows that this bridge was constructed as a private crossing at the time the railroad was built in 1878. Subsequently, by a decree of court dated December 20, 1891, (Exhibit No. 5), the road crossing the railroad at this point was declared a public road.

The Giant Powder Company plant is located between Giant Station and the overhead bridge involved herein and west of the railroad. The county road connecting with the bridge ends a short distance west of the railroad and serves several dwellings and a picnic park known as Giant Park.

At Giant Station a private road crosses the railroad at grade, which serves the Giant Powder Company. The Atchison, Topeka and Santa Fe Railway Company's track is located a considerable distance east of the Southern Pacific tracks. The state highway running between Richmond and Martinez is located approximately one-half mile east of the Santa Fe track. Two connections are made with the state highway from both the overhead bridge and the grade crossing with the Southern Pacific referred to above, one by way of a public road running in a general southerly direction from the overhead bridge connecting with the state highway in the vicinity of the Town of San Pablo a distance of a little more than two miles and the other by way of a road running in a general easterly direction from the overhead bridge to the state highway a distance of about one and one-half miles. The general location of these roads and crossing is shown on a map filed as Exhibit No. 10. The

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record shows that the overhead bridge involved herein has depreciated to a point where it should be replaced. At the present time signs are maintained at either end of the bridge forbidding the movement of heavy loads over it. Furthermore, it will accommodate but one line of traffic and has steep grades of approach.

At the present time many trucks heavy-laden with explosives are required to use the private grade crossing at Giant Station, whereas, if the overhead structure was adequate, these trucks could use it and thus be diverted from this grade crossing, thereby eliminating a serious potential hazard. By the use of either the overhead bridge or the grade crossing, access can be had to the state highway by existing public roads. Applicant proposes that a new timber structure be constructed with a driveway of twelve feet and with light grades of approach to replace the existing bridge. It is estimated that a structure of this type would cost \$5,017. A bridge providing a roadway twenty feet in width is estimated to cost approximately \$8,500. The County objected to the plan of reconstruction of the bridge on the ground that it was more economical to repair the present structure at little cost to accommodate the light traffic, although it was conceded by its witness that an inspection of the existing structure had not been made by the County and that the report of its condition made by the railroad's engineer was reasonably correct.

From the record, it appears to the Commission that the present structure is depreciated to such an extent that it should be replaced.

With respect to the proper width of driveway, we have for consideration two plans, one of which provides for a one-way driveway twelve feet wide and the other a two-way driveway twenty

feet in width. The increase in cost for the wider structure would be approximately \$3,500. It is reasonable to assume that if a one-way bridge is constructed trucks carrying powder would be discouraged from using the overhead and they would continue to use the private grade crossing at Giant Station. Furthermore, if a two-way bridge is constructed, it would be expected that the Powder Company would close its private road to these trucks and thereby require them to use the overhead bridge. However, the advantage would accrue not only to the powder trucks but also to the general travelling public desiring to cross the railroad, in allowing a free flow of traffic. An advantage would result also to the railroad by having the potential hazard of the powder truck traffic removed from the Giant Station grade crossing. After carefully considering the record in this proceeding, it is concluded that the overhead bridge should be replaced with one to accommodate two lanes of traffic; in other words, of a width of approximately twenty feet.

Applicant asks that the Commission make a division of cost of this improvement as between it and the County. The County contends that because of the fact the original structure was built by the railroad it should bear the entire cost of any replacement. It appears, however, that a responsibility rests with both applicant and the County to provide a safe and convenient overhead structure for the passage of vehicles and other road traffic over the railroad at this point and these responsibilities are reasonably equal. We are convinced, after a review of the record, that the existing narrow overhead bridge should be replaced by a structure substantially in accordance with the plan shown in Exhibit No. 8 except that a roadway width of approximately twenty feet should be provided instead of the width of twelve feet as shown on said exhibit and that the cost

of construction should be borne equally by applicant and the County of Contra Costa. It will be so ordered.

O R D E R

Application, as entitled above, having been filed with this Commission, public hearings having been held thereon, the matter having been submitted and being now ready for decision,

It is Hereby Found as a Fact that the overhead highway bridge north of Giant Station on the lines of applicant should be replaced by a safe and adequate structure.

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby directed to replace the existing overhead crossing of its tracks at a location approximately 2,100 feet northeast of Giant Station, County of Contra Costa, and designated as Crossing No. A-19.3-A by an overhead bridge substantially in accordance with the plan shown in Exhibit 8 in this proceeding, subject, however, to the condition that said overhead bridge shall have a width of driveway not less than twenty (20) feet. Detailed plans shall be prepared by the Southern Pacific Company and submitted to the Commission for approval within sixty (60) days from the date of this Order.

IT IS HEREBY FURTHER ORDERED that the cost of construction of said overhead bridge and the removal of the existing structure shall be divided equally between Southern Pacific Company and the County of Contra Costa; that the physical construction work shall be performed by the said Southern Pacific Company; that the County of Contra Costa is hereby directed to pay to Southern Pacific Company, from any funds available therefor in the treasury of said County at the end of each calendar month during the progress of said work, an amount equal to one-

half of the expenditures made on or in connection with said work and, within thirty (30) days after the final completion of said project, such further sum as to make the aggregate payments hereunder by the County equivalent to one-half of the entire cost of said project. If sufficient funds are not available to enable the County to make the payments in full at the times and to the party herein specified, the County of Contra Costa is hereby directed, through its appropriate boards, officers and employees entrusted with the levy and collection of taxes, to do all acts necessary to include in the next succeeding tax levy an amount sufficient to pay the sum due under the provisions in this Order, with interest thereon from the date or dates on which said amount or amounts become due and payable, calculated at the rate of six (6) per cent per annum, and to collect the same and thereupon to pay over to said Southern Pacific Company such sum as to make the aggregate payments by the County hereunder equivalent to one-half of the cost of said project plus interest as above provided.

IT IS HEREBY FURTHER ORDERED that the expense of maintaining that portion of said overhead bridge, which might be referred to as the substructure, which will include foundations, footings, bents or piers up to the underside of the highway supporting structure, abutments and retaining walls shall be borne by applicant. The remainder of the maintenance of said structure, or the superstructure, including floor beams, roadway and railings, shall be borne by the County of Contra Costa.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company shall notify this Commission, in writing, within thirty (30) days thereafter, of the completion of construction of said

overhead bridge hereinbefore directed.

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 27th day of June, 1932.

Cl. J. J. J.

L. J. J.

W. J. J.

M. B. J.

J. G. J.

Commissioners.