

Decision No. _____.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of)
the COUNTY OF RIVERSIDE for the in-)
stallation of an overhead crossing)
on the main county highway from)
Riverside-Moreno to Beaumont over) Application No. 2261.
the main track of the Southern Paci-)
fic Company, about one-half mile)
west of Beaumont Station.)

Lyman Evans, District Attorney for applicant.
Geo. D. Squires for Southern Pacific Company.

GORDON, Commissioner.

O P I N I O N.

In this application RIVERSIDE COUNTY seeks permission to construct an overhead crossing of the tracks of Southern Pacific Company near Beaumont and asks the Commission to apportion the expense between the Railroad Company and the County. A public hearing was held on this application on June 12, 1916.

The road on which this crossing is desired is a main highway of Riverside County, which has been built from the funds derived from a large bond issue and which extends from the City of Riverside by way of Moreno to Beaumont and eastward to the county line, where it connects with roads to the Imperial Valley and the East. It has been laid out to cross the tracks of the Southern Pacific Company about one-half mile west of that Company's Station at Beaumont at the point where the track

is in a cut and the surrounding country lends itself readily to grade separations. No objection was made to the construction of an overhead bridge at this point and there appears to be no reason why this application should not be granted.

The proper division of the expense is not so easily disposed of. The total cost of the bridge and the grading of the approaches including a culvert under one approach is estimated to be \$12,510.45. The County desires the Railroad Company to pay one-half of this cost. The cost of the bridge has been divided as follows between the bridge and the approaches:

Bridge.....	\$7408.00
Embankment on approaches.....	3960.00
Culvert under embankment.....	1142.45

Total.....\$12510.45

In an earlier estimate, the cost of the bridge was estimated to be about \$5500.00 and the Southern Pacific Company offered to pay one-half of this estimated cost. It will thus be seen that there is considerable difference between what the railroad officials think they should pay and what the County considers it equitable for them to pay.

The difficulties of properly apportioning the expense of crossing separations have been too often discussed in the Commission's opinions to make it necessary to dwell upon the subject here. Neither the method of apportioning the expense proposed by the Railroad Company nor that proposed by the County appeal to me in this proceeding. The apportionment of the expense must be determined by a consideration of the special facts shown in this proceeding.

The approaches to the bridge are as necessary as the bridge itself and as the approaches cannot be distinguished from any other part of the highway, there is no logical reason

for considering the embankment as part of the grade separation and omitting the adjoining cuts. On the other hand as the profile for this project has been presented the county must make extensive cuts before reaching the right of way of the Southern Pacific Company and the earth from these cuts will be deposited in the embankment on and adjacent to the Southern Pacific Company's right of way, constituting a part of the overhead crossing.

The Southern Pacific Company has a single track line at the point of the proposed crossing but the bridge has been designed for a double track and the estimate of cost, given above, includes a sum of between fifteen and sixteen hundred dollars to provide for an additional track. Taking this into consideration and the fact that there is a public highway crossing (identified as being at bridge No. 560 A) about one mile west of this proposed crossing, which can and should be closed when the overhead bridge is constructed, it seems to me to be fair for the Southern Pacific Company to pay \$5025.00 toward this grade separation project under the plans now presented and I shall make this recommendation.

It appeared from the testimony of all witnesses, including the supervisors, that when this overhead bridge is completed the Viele Avenue crossing in the town of Beaumont, which is one-half of a mile east of the proposed crossing, could be closed without public inconvenience. Beaumont is an incorporated town. As it was not represented at the hearing, the Railroad Commission cannot, of course, order the closing of the crossing as the record now stands. I believe, however, that a copy of this opinion and order should be sent to the City officials of Beaumont and, if conditions are as they have been stated to be, those officials should take steps to close the Viele Avenue crossing as soon as the overhead crossing is

~~is~~ open for traffic.

I recommend the following form of order:

O R D E R.

RIVERSIDE COUNTY, California, having applied to the Railroad Commission for permission to construct an overhead crossing over the tracks of Southern Pacific Company, one-half mile west of the Company's station at Beaumont, California, and having asked the Railroad Commission to apportion the expense of the same, and a public hearing having been held, and it appearing to the Railroad Commission that this application should be granted subject to certain conditions and that the expense of this construction should be divided between the parties in accordance with the following order,

IT IS HEREBY ORDERED, That the County of Riverside be and the same is hereby granted permission to construct a county highway above the tracks of Southern Pacific Company about one-half mile west of Beaumont Station at the point more particularly shown by the map attached to the petition herein, subject to the following conditions:

(1) The overhead bridge shall in all clearances conform to the Railroad Commission's General Order No. 26.

(2) The public highway crossing about one mile west of this overhead crossing, near Southern Pacific Company's bridge No. 560 A, shall be legally closed and abandoned as a public highway crossing upon the completion of the overhead crossing.

(3) The expense of the construction of said overhead crossing, on the plans now presented, shall be as follows: the Southern Pacific Company shall pay \$5025.00 and the County

of Riverside shall pay the remaining expense. If changes in the present plans should involve an increase or a decrease in the cost of the work, the parties may apply to the Railroad Commission for a supplemental order based on such changes in cost.

(4) The Railroad 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, the public convenience and necessity demand such action.

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 31st
day of July, 1916.

Max Thelen
H. H. Howard
W. G. Gordon
Edwin O. Edgerton
Frank R. Debn
Commissioners.