

ORIGINAL

BEFORE THE RAILROAD COMMISSION
OF THE STATE OF CALIFORNIA.

In the Matter of the Application of)	
the DIRECTOR GENERAL OF RAILROADS)	
operating ATCHISON, TOPEKA AND SANTA)	
FE RAILROAD, Coast Lines, and the)	Application No. 4496.
ATCHISON, TOPEKA AND SANTA FE RAIL-)	
WAY COMPANY, a corporation, to abol-)	
ish an overhead crossing, etc.)	

Platt Kent and J. W. Walker, for Director
General of Railroads.
Creed, Jones and Dall, for Town of Pinole.
W. J. Locke, for Town of Hercules.
L. H. Sperry, for Hercules Powder Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the United States Railroad Administration and the Atchison, Topeka and Santa Fe Railway Company seek permission to abolish an overhead bridge at the Company's Engineer's station 412+60.5, about three hundred (300) feet, more or less, easterly from said railway company's station at Pinole, Contra Costa County, or to have the bridge repaired and maintained at the sole cost of the Town of Pinole.

A public hearing was held in this matter at Pinole before Examiner Brookman on September 23, 1919.

From the evidence it appears that the bridge in question was originally erected about 1899, by the San Francisco and

San Joaquin Valley Railroad, in consideration of a certain right of way grant by Mrs. Kate T. Cousins, for the passage over the railroad of vehicles, cattle, etc. The San Francisco and San Joaquin Valley Railroad was thereafter acquired by the Santa Fe, which subsequently raised the bridge for proper overhead clearance, and lengthened the approaches on account of widening its roadbed some six or eight years ago.

Although this bridge was originally built as a private crossing, it has, for the past ten years, been extensively used by the public and, in fact, has become a public highway through use. Since it was originally built, the Hercules Powder Company has acquired most of the land north of the railroad, where its plant is now located and where it has established the Town of Hercules. Likewise, the Town of Pinole has grown up on the south side of the Santa Fe.

The bridge is used extensively by school children and all other persons doing business between Pinole and Hercules. There are no stores in Hercules and the union school is in Pinole. The only other route between the two towns is quite circuitous and approximately twice as long as the route over the bridge in question. The overhead bridge cannot, therefore, be very well be abandoned, as it has become a necessity to the two towns. It is also a benefit to the railway company in that it keeps all of this travel off of its tracks. The trouble seems to be that the bridge has been outgrown by modern traffic, and is being overloaded so that a serious accident is liable to occur.

Inspection of the bridge shows that the floor is quite worn and needs renewing. An analysis of its strength shows that the frame bents should be of heavier design. The floor system is sufficiently strong to support two seven-passenger automobiles fully loaded, a load equivalent to 10,000 pounds.

The right of way agreement previously referred to did not specify that the railroad company was to maintain this bridge and, according to the testimony, it has not done so outside of the alterations mentioned above. The general policy followed where grades have been separated is that the overhead/^{OR}bridge portion of the grade separation shall be maintained by those using it; for instance, a railroad maintains its track and steel bridges where it passes over a highway, and the state, county or municipality maintains the street underneath, and vice versa. The cost of construction is generally prorated equally between the two interested parties.

In this proceeding it appears reasonable to require the railroad company to replace that portion of the bridge which was inadequately designed in the first instance, and this being done, the towns of Pinole and Hercules equally should share the cost of maintaining the bridge.

ORDER

This proceeding having come on regularly for hearing, at which all interested parties were represented,

IT IS HEREBY ORDERED, that the overhead bridge at Santa Fe Engineer's Station 412+60.5 shall not be abandoned, but shall be remodeled by the railway company by replacing the existing bents with bents made up of four 12-inch by 12-inch posts, caps and sills, with 4-inch by 8-inch bracing.

IT IS HEREBY FURTHER ORDERED, that such flooring as may be necessary to place said bridge in first-class condition shall be paid for equally by the towns of Pinole and Hercules. In case the two towns desire to strengthen the bridge for heavier loads than herein provided, the cost of such additional timbers

as may be required shall be borne equally by them.

IT IS HEREBY FURTHER ORDERED, that after the remodeling and repairing of said bridge shall have been completed, the expense of all future maintenance shall be borne equally by the towns of Pinole and Hercules.

Dated at San Francisco, California, this 22^d day of October, 1919.

Edwin O. Sugarten
H. Loveland
William R. White
H. A. Brundage
Jessie Hunter
Commissioners.