

Decision No. 9601.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the matter of the application of )  
the City of Riverside, a municipal )  
corporation, for the abolition of )  
a certain crossing of railroads by )  
a public road in said city, and for )  
the construction of a crossing on )  
North Mulberry Street in lieu there- )  
of. )

Application No. 6911.

Miguel Estudillo, for Applicant.  
Frank B. Austin, for Southern Pacific Company.  
E. E. Bennett, for Los Angeles and Salt Lake  
Railroad Company.

By The Commission:

O P I N I O N

This is an application by the City of Riverside for permission to construct North Mulberry Street across the right of way and tracks of the Southern Pacific and the Los Angeles and Salt Lake Railroads.

A public hearing was held in the City of Riverside before Examiner Williams.

North Mulberry Street is a residential street in the City of Riverside and extends northerly from the right of way of the Los Angeles and Salt Lake Railroad and southerly from the right of way of the Southern Pacific. These two railroads run easterly and westerly and are adjacent to each other. The tracks are at present used only at infrequent intervals and are not subject to regular scheduled main-line movements. The track of the Los Angeles and

Salt Lake Railroad has been electrified and the Pacific Electric Railway Company has been given certain trackage rights thereon.

The crossing which applicant proposes to close is a skew crossing approximately 200 feet easterly of the proposed right angle crossing which connects the portion of North Mulberry Street north of the tracks with Waite Street, the latter being a short street along the southerly side of the Southern Pacific right of way. The existing crossing is narrow, 14 feet in width, and is used as an outlet from the territory along North Mulberry Street situated north of the tracks. This narrow roadway leads to La Catena Drive, one of the principal northerly and southerly boulevards, and was in existence prior to the construction of either of the railroads. Its present location does not conform to the general plan of street development of the city and adjacent trees and buildings present obstructions to view of trains approaching from the east.

The city desires to replace this skew crossing with a direct crossing connecting the two portions of North Mulberry Street lying northerly and southerly, respectively, of the railroads. The new location of this crossing will serve the same territory more conveniently by giving more direct access to the business section of Riverside from that portion of North Mulberry Street lying north of the railroads and the proposed crossing will have a less obscure view of the tracks than the existing crossing and will thus tend to reduce the hazard of accident.

Neither the Southern Pacific nor the Los Angeles and Salt Lake Railroads oppose the granting of the new crossing, provided the existing crossing is abandoned, but they contend that the City of Riverside should bear the entire cost of the construction of the new crossing. It appears, however, that the City of Riverside would have power to improve and pave the existing roadway over the tracks, and assess the cost thereof to the railroads.

Since the relocation of this crossing is justified by public

necessity and convenience, and since the proposed location of the crossing is no less desirable for the railroads than the present location, it appears equitable that the City of Riverside should bear the expense of actually moving the crossing, but that the paving or other improvement of the crossing, should be borne by the railroads on their respective rights of way.

### O R D E R

The City of Riverside having applied for permission to construct North Mulberry Street at grade across the tracks of the Los Angeles and Salt Lake Railroad Company and Southern Pacific Company and to abolish the crossing of an un-named street connecting North Mulberry Street with Waite Street, a public hearing having been held, and the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that the City of Riverside be and it is hereby granted permission to construct North Mulberry Street at grade across the tracks of the Los Angeles and Salt Lake Railroad Company and Southern Pacific Company in the location described as follows:

Commencing at the intersection of the westerly line of North Mulberry Street with the northerly line of the right of way of the Los Angeles and Salt Lake Railroad, said point being the southeasterly corner of Lot 12 in McMullen's subdivision, City of Riverside, County of Riverside; thence south  $28^{\circ} 57'$  west, a distance of 50 feet to the southerly line of the right of way of the Los Angeles and Salt Lake Railroad; thence south  $56^{\circ} 9'$  west, a distance of 56.2 feet more or less to a point in the southerly line of the right of way of Southern Pacific Company; thence southeasterly along said southerly line of the right of way of Southern Pacific Company, a distance of 85.76 feet; thence north  $28^{\circ} 57'$  east, a distance of 100 feet to a point in the northerly line of the right of way of Los Angeles and Salt Lake Railroad Company; thence northwesterly along said northerly line of the right of way of Los Angeles and Salt Lake Railroad Company, a distance of 60 feet to the point of commencement,

all of the above as shown on the map attached to the application,

said crossing to be constructed subject to the following conditions;

viz:

(1) Applicant shall legally abandon and effectively close to public use and travel the crossing of the un-named street connecting North Mulberry Street with Waite Street, located approximately 200 feet easterly from the above described proposed crossing.

(2) The entire expense of grading North Mulberry Street across the right of way and tracks of the Los Angeles and Salt Lake Railroad and Southern Pacific Company, together with the cost of moving crossing signs and other appurtenances of the said existing crossing to be abandoned, shall be borne by applicant. The cost of improving that portion of said crossing located over the right of way of the Los Angeles and Salt Lake Railroad to a condition corresponding to the pavement of that portion of North Mulberry Street lying northerly of the railroads, shall be borne by said Los Angeles and Salt Lake Railroad. The cost of improving, paving and maintaining that portion of said crossing located over the right of way of Southern Pacific Company to a condition corresponding to the pavement of that portion of North Mulberry Street lying northerly of the railroads, shall be borne by said Southern Pacific Company.

(3) The crossing shall be constructed of a width not less than 24 feet and not greater than 30 feet and at an angle of 90 degrees to the railroads and with grade of approach not greater than 5%; shall be protected by two suitable crossing signs and shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(4) Applicant shall, within 30 days, thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of the abandonment and closing of said existing crossing.

(5) The authorization herein granted for the installation of said crossing shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(6) The 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.

Dated at San Francisco, California, this 14th day of October, 1921.

H. D. Love  
Charles A. Brown  
J. J. [unclear]  
Commissioners.