

Decision No. 28872.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of Southern Pacific Company for an order abandoning or allocating the expense of repairing and maintaining an existing overhead highway crossing No. C-258.5-A over the tracks of Southern Pacific Company at North Street in the City of Redding, Shasta County, California.

ORIGINAL

Application No. 19016.

E. W. Hobbs, for Southern Pacific Company.

W. D. Tilletson, City Attorney, Redding, Calif.

Frank B. Durkee, Department of Public Works,
State of California.

BY THE COMMISSION:

C O P I N I O N

In this proceeding Southern Pacific Company seeks an order authorizing the abandonment of the overhead structure carrying Eureka Way (North Street), over its tracks in the City of Redding or, in the event a grade separation is to be maintained at this point, the Commission is asked to apportion the expense of replacing or repairing the existing structure and also apportion future maintenance of the same.

A public hearing was conducted in this matter by Examiner Hunter at Redding, September 5, 1933, at the conclusion of which the matter was taken under submission.

Southern Pacific Company's tracks pass through the City of Redding in a general northerly and southerly direction. To the east of the tracks are located the main business section of the city, the City Hall, fire department, two public schools and slightly over

one-half of the residences, while the county buildings, Shasta Union High School, an aviation field, the local hospital, the site for the new post office, one district school and about one-half of the residences are located on the west side of the track.

In addition to the overhead crossing in question, there are six grade crossings of city streets over Southern Pacific Company's tracks within a distance of six-tenths of a mile in the City of Redding. The following tabulation shows the distance between crossings and the result of traffic counts which were introduced as exhibits in this proceeding:

I T E M	NAME OF STREET AND CROSSING NUMBER						
	Eureka Way*	Trinity (North St.)	Shasta	Tehama	Yuba	Placer	South
	C-258.6	C-258.5-A	C-258.4	C-258.3	C-258.2	C-258.1	C-258.0

Distance to next crossing south	400'	540'	370'	760'	400'	600'	
Protection	1 Sign 1 W.W.	Separated Grades	1 Sign	1 Sign 1 W.W.	2 Signs	2 Signs 1 W.W.	1 Sign

TRAFFIC:

S.P.Co's Ex.No.3 (1)

Autos	207	431	387	798	1342	1787	248
Trucks	118	50	131	140	178	379	103
Horse Drawn	-	-	1	-	-	-	3
School Children	23	110	25	72	58	85	9
Other Traffic (2)	127	63	136	517	1143	523	138
Passenger Trains	3	3	3	3	3	2	3
Freight Trains	7	5	7	7	8	5	8
Seconds crossings occupied by trains	1105	-	985	2100	2350	1380	7120
Number of Vehicles delayed	3	-	4	22	62	30	6
Vehicle seconds delay at crossings	180	-	300	1250	2430	1505	865

City's Ex.No.5 (3)

Autos	-	350	-	-	-	-	-
Trucks	-	56	-	-	-	-	-
Busses	-	2	-	-	-	-	-
Pedestrians	-	161	-	-	-	-	-

* = Overhead Crossing.

(1) = May 11, 1933 - 6:00 A.M. to 10:00 P.M.

(2) = Pedestrians, motor cycles and bicycles.

(3) = February 2, 1933 - 6:00 A.M. to 9:00 P.M.

The overhead crossing at Eureka Way was constructed in 1903 at the sole expense of Southern Pacific Company and until June 3, 1933, when it was closed to traffic due to its unsafe condition, it was maintained by the railroad. The original cost of this structure is not known; the company has, however, spent \$10,700 on maintenance, \$8,700 of which has been spent since 1920. Previous to the closing of this overhead crossing to vehicular traffic, loads passing over the structure were limited to 3,000 lbs., this regulation being in effect for a period of about three years. A witness for applicant testified that the company was unable to locate the agreement between it and the City of Redding, prescribing under what conditions the overhead structure was to be constructed and maintained. However, from newspaper accounts, which were the only references available, it appears that the company agreed to construct and maintain this overhead crossing if the city would not construct Tehama Street across its tracks, which would fall within the limits of the railroad yards. It appears, however, that two years after the overhead structure was opened to traffic, the city did construct Tehama Street at grade across the railroad property.

The existing timber overhead structure is approximately 325 feet in length and the highway is carried over the double track railroad by means of a 45-foot wooden truss, which has been renewed within the past ten years. From time to time the railroad has also added new bents and stringers to the approach sections of the separation. The deck of the bridge, however, is in poor condition and must be renewed if it is to be again put into service. Repairs will also include additional stringers and renewal of some of the supports. The company estimates that to put this bridge in service, employing the present alignment and grade of the highway, would require an

expenditure of \$5,400, which should carry vehicular traffic for a period of about three years.

Eureka Way is potentially an important state highway, extending from Eureka to a connection with State Highway Route No. 99 at Redding, via Weaverville.

The record shows that the Department of Public Works has not money available at this time to make extensive improvements on this highway, particularly that portion located within the City of Redding; in fact, it has not been determined whether or not the Department of Public Works or the City of Redding will maintain the portion within the city which includes the overhead in question. It is apparent that the desirable thing to do would be to replace the existing timber overhead crossing with a modern permanent type of structure having light grades of approach replacing the existing steep grades of $7\frac{1}{2}\%$ and also to widen the driveway; the present structure provides for a 16-foot driveway and a 4-foot walk. No detailed estimates were offered as to the cost of replacing this structure with one which would be attractive to vehicular traffic but rough estimates show that to effect such an improvement would involve an expenditure of approximately \$50,000. With a suitable separation at Eureka Way, serious consideration should be given the matter of closing the adjacent grade crossings at Trinity and Shasta Streets.

After carefully considering the record in this proceeding the Commission concludes that a separation of grades at Eureka Way would afford safe and convenient access over the railroad tracks to a substantial volume of highway traffic and with the development and increased travel on Eureka Way, which is now part of the state highway system, there will be greater need for a separation at this location. It is apparent that it would be more desirable to replace the existing structure with one which would more nearly meet present day standards under the prevailing traffic conditions than to spend

a considerable amount of money in repairing the present structure with its narrow roadway and steep grades of approach and furthermore only be serviceable for a comparatively short period of time thereafter. However, due to the fact that no funds are available at this time, the respective interested parties, viz., the City of Redding, the Department of Public Works of the State of California and Southern Pacific Company, desire to defer action in replacing the existing structure with a new one until such time as a program of financing can be worked out and it is determined whether the City or State will assume the obligation of improving and maintaining Eureka Way within the City of Redding.

If under the conditions it is the City's desire that the present overhead structure should be repaired at an expenditure of some \$5,400., it should participate in such an expense. Although we do not urge that this money be spent in improving the existing overhead structure, for the reasons set forth above, we will require the railroad to repair and maintain both the roadway and supporting structure of that portion of the separation located within the limits of its right of way, which is 100 feet in width, or approximately 30% of the total length of the elevated structure, provided the City will agree to repair and maintain in a safe condition for highway traffic the remainder of the elevated structure and also to close the existing grade crossing at Trinity Street (Crossing No. C-258.6), for which the record shows there is little public necessity. The following order will so provide.

O R D E R

A public hearing having been held in the above entitled proceeding and the matter being now ready for decision,

IT IS HEREBY ORDERED that Southern Pacific Company be required to improve and maintain in a safe condition for highway traffic that portion of the overhead structure carrying Eureka Way (Crossing No. C-258.5-A), over its tracks in the City of Redding within the limits of its right of way, under the following conditions and not otherwise:

- (1) The City of Redding shall, within one hundred and twenty (120) days from the date of this order, file with this Commission plans covering the reconstruction of said overhead crossing so as to afford traffic safe and convenient access over the railroad. Said plans shall bear the approval of the railroad or a statement showing why such approval is not given.
- (2) Said overhead crossing shall be reconstructed with clearances conforming to the provisions of our General Order No. 26-C.
- (3) The City of Redding shall signify, in writing, within one hundred and twenty (120) days from the date hereof, its willingness to improve and maintain at its sole expense that portion of said overhead crossing outside the limits of the railroad right of way and also indicate its willingness to close the grade crossing of Trinity Street over Southern Pacific Company's tracks (Crossing No. C-258.6).
- (4) Prior to the commencement of actual repair of said separation of Eureka Way over Southern Pacific Company's tracks, the City of Redding shall file with this Commission a certified copy of an appropriate ordinance or resolution duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing grade crossing at Trinity Street and identified as Crossing No. C-258.6. Upon the completion of the repair work upon said separation at Eureka Way and upon its being opened to public use and travel, said Crossing No. C-258.6 shall be legally abandoned and effectively closed to public use and travel.

IT IS HEREBY FURTHER ORDERED that in the event the City of Redding does not comply with the requirements set forth above and no plan is offered to the Commission looking toward a replacement of this overhead structure within six (6) months from the date of this

order, applicant is authorized to remove said overhead structure within the limits of its right of way and abolish a public crossing with its tracks at this point.

The Commission reserves the right to make such further orders in this proceeding as to it may seem right and proper.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 2^d
day of October, 1933.

C. Cheney
Leon Whelan
W. J. Carr
M. B. Lawrence