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Decision No. 19399.

ORIGINAL
FILED

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the COUNTY OF CONTRA COSTA, a political subdivision of the State of California, to widen railroad crossing at grade on Byron Highway across the Southern Pacific railroad lines in the County of Contra Costa, State of California.

Application No. 19399.

Warren Cunningham, For the District Attorney of Contra Costa County.

Roy G. Millebrand, For Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the County of Contra Costa asks the Commission to make its order approving a plan to widen and improve a grade crossing of a county road with Southern Pacific Company's tracks in the unincorporated Town of Byron (Crossing No. B-67.1) and to apportion the cost between applicant and Southern Pacific Company.

A public hearing was conducted in this proceeding by Examiner Hunter at Martinez on August 21, 1934, and the matter is now ready for decision.

The crossing involved is on the county road between Concord and Byron. Applicant has under way a plan to improve this highway, including the crossing over the Southern Pacific Company's tracks involved herein.

At present this crossing is improved to a width of about 17 feet. The grades of approach are about 9 per cent with

sharp breaks . at the track. The railroad is constructed on a fill about five feet above the natural ground level. The highway between Brentwood and Tracy is paved to a width of 18 feet and at Byron is located parallel to and immediately east of Southern Pacific Company's right of way. The elevation of this highway is about six feet lower than that of the track in the vicinity of the crossing. The fact that the grade crossing involved herein is located within 150 feet of highway intersections on each side of the track and at considerable difference in elevation adds to the inconvenience and hazard of vehicular traffic crossing the railroad as well as complicating the situation with respect to improving this crossing with easy grades of approach.

The County plans to widen the crossing to a width of 30 feet with 8 per cent grades of approach and to provide vertical curves connecting the level section of some 35 feet across the track. To reduce the grades of approach to more desirable gradients would involve a substantial expenditure as it would require raising the elevation of the paved highway to the east as well as the less important highway intersection to the west.

The railroad involved herein is Southern Pacific Company's Main San Joaquin Valley Line and is a single track at the point of crossing. Traffic checks of travel over this grade crossing taken by Southern Pacific Company show the following:

: Ext. No.:	: Date of : : 24-hour : : Check :	: Number of :				
		: Pedes- : : trians :	: Auto- : : mobiles :	: Trucks : : & Teams :	: Motor Cycles : : and Bicycles :	: Trains :
4	Sunday, 8-12-34	31	263	20	31	12
5	Wednesday, 8-15-34	68	321	55	14	18*

* Includes 2 switch movements.

Trains move over this crossing at a comparatively high rate of speed as there is no restriction on the speed of either passenger or freight trains. The crossing is now protected by one Standard No. 1 crossing sign.

The estimated cost of improving this grade crossing, as proposed by applicant, amounts to approximately \$1,700. The principal item in this estimate is that to cover the cost of constructing wider and lighter grades of approach involving both grading and paving, the total estimated cost of which amounts to nearly \$1,000. The drainage culverts on each side of the track must also be lengthened to accommodate the widened fill which the County estimates will cost approximately \$300.

The record shows that this grade crossing has existed for many years. The railroad contends that its track was constructed, or at least its right of way acquired, previous to the time this county road was opened. In support of this position it introduced a copy of the road petition and notes of the County Surveyor, dated April 1872, which makes mention of the existence of a railroad at the time the highway was surveyed.

With respect to the plan of improving the crossing, applicant and the railroad are in agreement, but they are not in agreement as to apportionment of the expense. The county takes the position that the railroad should bear one-half the expense of improving this crossing, including the construction and paving of the widened approaches. On the other hand, the railroad contends that the item of constructing the approaches outside the track area is entirely a highway matter.

There is nothing shown in this record to convince the Commission that it should deviate from the more or less general

policy to require the railroad to improve the existing used crossing between lines two feet outside of the outside rails and to prepare its track to receive the pavement on the proposed widened section of the crossing. The remainder of the expense should be borne by applicant.

Although the county and the railroad take the position that present traffic conditions do not reasonably require the installation of automatic signals for the protection of this crossing, it appears appropriate to announce that if, with the improvement of this highway or for any other cause, the traffic over this grade crossing materially increases in the future, the Commission will require that the crossing be provided with something more effective in the way of warning devices than fixed signs. The record shows that subsequent to January 1, 1926, this crossing has been the scene of two grade crossing accidents.

After carefully considering the record in this proceeding it is concluded that the county's plan to improve this crossing should be approved and that the apportionment of cost should be borne in accordance with the program prescribed in the following order.

O R D E R

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

IT IS HEREBY ORDERED that

I. The County of Contra Costa is authorized to improve the grade crossing of a county road with the Main Line track of Southern Pacific Company at Byron (Crossing No. B-67.1), as applied for herein, substantially in accordance with the plans attached to the application and marked Exhibit "A."

II. The expense of constructing and maintaining the improvement authorized herein shall be borne on the following basis:

BY SOUTHERN PACIFIC COMPANY:

- (a) The entire expense of improving the existing used crossing between lines two feet outside of the outside rails.
- (b) The entire expense of preparing the tracks to receive the pavement on that portion of the proposed new crossing outside the limits of the used crossing and between lines two feet outside of the outside rails.
- (c) Maintain that portion of the entire crossing between lines two feet outside of the outside rails.

BY APPLICANT:

The remainder of the expense of constructing and maintaining the proposed crossing and drainage over and above that assessed to Southern Pacific Company.

III. The authority herein granted is subject to the following conditions:

- (1) The crossing shall be constructed of a width of not less than thirty (30) feet and equal or superior to the type shown as Standard No. 2 in the Commission's General Order No. 72, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (2) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (3) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

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

The authority herein granted shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 11th day of September, 1934.

Leon A. Wilson

W. A. P. ...

M. B. ...

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Commissioners.