

Decision No. 27554.

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.

Application No. 19016
(Rehearing)

In the Matter of the Application of the PEOPLE OF THE STATE OF CALIFORNIA, on relation of the Department of Public Works, for an order authorizing construction of a crossing at separated grades of the state highway and the tracks of the Southern Pacific Railroad on North Street (Eureka Way), in the City of Redding, Shasta County California.

Application No. 19656

H. W. Hobbs, for Southern Pacific Company.

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

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

BY THE COMMISSION:

O P I N I O N

The two above entitled proceedings deal with the matter of replacing the existing timber structure carrying North Street (Eureka Way) over the tracks of Southern Pacific Company in the City of Redding with one of modern design and adequate capacity to meet present traffic requirements.

Further hearings were held on Application No. 19016 at Redding on October 11, 1934, and at San Francisco on November 19th 1934. The original hearing on Application No. 19656 was held at San Francisco on November 19, 1934. These hearings were

conducted by Examiner Hunter and at the latter one both matters were taken under submission.

At the hearing on November 19, 1934, it was stipulated by the parties that these two matters be consolidated for hearing and determination.

On October 2, 1933, the Commission issued its Decision No. 26372, in Application No. 19016, upon a record in which the Department of Public Works appeared only as an interested party. In this decision the Commission concluded that the most desirable solution of the crossing situation under consideration would be to replace the old and unsafe wooden overhead structure with a new one which would be adequate to meet present day traffic requirements. The City of Redding and Southern Pacific Company each took the position that they were not able to participate in financing a new separation at that time and it was upon such a showing that the Commission authorized the improvement of the existing separation by renewing in part only, under certain conditions, one of which (No. 4) provided that if the City of Redding elected to improve the crossing under this plan, it must abandon and effectively close the grade crossing of Trinity Street (Crossing No. C-258.6), located 400 feet to the north of North Street. The order also apportioned the expense of making the old separation usable for a limited time.

Reference is made to said Decision No. 26372 for a general description of the street and railroad situation as related to the separation under consideration. This Opinion will deal primarily with the record adduced subsequent to the issuance of that decision.

In Application No. 19656 the Department of Public Works of the State of California, hereinafter sometimes referred to as the Department, seeks an order authorizing the construction

of a new overhead crossing at North Street to replace the existing timber structure. It is shown that the Department proposes to assume the structural cost of such a separation to be financed from a Federal appropriation allotted California for highway improvement work. The Department's offer to participate in the cost of this separation, however, is limited to structural costs as it cannot draw upon the Federal appropriation to meet either property damage or right of way costs and, therefore, asks that all expense incident to reconstruction of this separation, other than structural costs, be apportioned to and between the City of Redding and Southern Pacific Company.

Exhibit No. 11 introduced by the Department shows the proposed plan for a new overhead structure of concrete construction which provides for a 24-foot driveway with two 4-foot sidewalks. The maximum grade of approach to the east is 8 per cent, while to the west it is 7 per cent. It was pointed out that these rather steep grades of approach were designed to avoid substantial property damages at the adjacent highway intersection with North Street. The estimated structural cost of this separation is \$35,000.

Both the City of Redding and Southern Pacific Company have signified their approval of the plan of separation provided by the Department.

Southern Pacific Company agrees to remove the existing timber structure and has entered into an agreement with the City of Redding as to a plan of apportionment of expenses, other than structural costs, which will be incurred in reconstructing the separation at North Street.

Southern Pacific Company urged that upon completion of the proposed separation the adjacent grade crossings at Shasta Street, located 370 feet to the south, and Trinity Street, 400 feet to the north, be abandoned and effectively closed to traffic, and

in support of this position introduced evidence to show the views at these crossings were more or less obstructed and that the traffic flowing over them could, with little inconvenience, cross the railroad by way of the new overhead crossing. It should be pointed out that the existing overhead at North Street is now closed to traffic due to unsafe condition which would naturally result in increased traffic over the adjacent crossings.

Exhibit No. 8 introduced by Southern Pacific Company shows the result of a traffic count taken at both the Shasta Street and Trinity Street grade crossings on September 11, 1934, between the hours of 7:00 A.M. and 7:00 P.M. to be as follows:

I t e m	Shasta Street		Trinity Street	
	Total	Average Per Hour	Total	Average Per Hour
Automobiles	599	49.9	345	28.7
Trucks	176	14.6	139	11.6
Pedestrians	143	12.0	209	17.5
Bicycles and Motor Cycles	33	2.8	17	1.4
School Busses	17	1.4	1	.08
Total Highway Traffic	968	80.7	711	59.3
Freight Trains	8	0.66	9	0.75
Passenger "	3	0.25	3	0.25
Total Railroad Traffic	11	0.92	12	1.00
Time trains occupied crossing	1770 Sec.	147.5 Sec.	1080 Sec.	90 Sec.

This traffic count shows an increase in highway traffic over the count taken May 11, 1933, as shown by Southern Pacific Company's Exhibit No. 3 which is set forth in said Decision No. 26372.

The City introduced considerable testimony in opposition to Southern Pacific's proposal to close the grade crossings at Trinity and Shasta Streets. The record shows that the City is now extending Shasta Street to the west, which will increase its importance as a through east and west city street. Shasta Street also passes through a portion of the business district of Redding, located on each side of the railroad.

With respect to the closing of the Trinity Street grade crossing upon the opening of the new overhead crossing at North Street, the Commission has carefully considered the evidence adduced subsequent to the issuance of said Decision No. 26372 and has concluded that it should reaffirm the provision of that order to require the closing of this grade crossing when the said separation is open to traffic. This conclusion is reached after carefully weighing the evidence of public convenience and necessity for a grade crossing of this short and unimportant street as contrasted with the hazard and expense of maintaining a grade crossing when traffic is afforded a safe passage with no material inconvenience over the railroad at the North Street separation.

After reviewing the record in these proceedings, the Commission has concluded that it should authorize the construction of the proposed separation at North Street and, upon the completion of the same, require the closing of the Trinity Street grade crossing but not the closing of the Shasta Street crossing, as urged by Southern Pacific Company, and the following Order will so provide.

O R D E R

Public hearings having been held in the above entitled proceedings and the matters being now ready for decision,

IT IS HEREBY ORDERED that:

I. The People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct North Street over the tracks of Southern Pacific Company at separated grades in the City of Redding, subject to the following conditions:

- (1) Said separation shall be designated as Crossing No. C-258.5-A.
- (2) Said separation shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (3) Said separation shall be constructed substantially in accordance with the plan shown on Exhibit No. 11.
- (4) The Department shall bear the entire structural cost of the separation, which shall not include property damage and/or right of way costs.
- (5) The Department shall, so long as it is required to maintain North Street on either side of the railroad, maintain the superstructure of said separation, including the pavement and sidewalks.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said separation and of its compliance with the conditions hereof.

II. Southern Pacific Company is hereby directed:

- (1) To remove the said existing timber overhead structure at North Street within the limits of its right of way, within ninety (90) days from the date of this order.
- (2) To participate with the City of Redding in defraying all expenses, other than structural costs assessed to the Department, incident to the construction of said separation at North Street, applying the above referred to agreed plan of apportionment of cost with the city.
- (3) To bear the expense of maintaining the substructure of said separation.

III. The City of Redding is hereby directed:

- (1) To participate with Southern Pacific Company in defraying all expenses, other than the structural costs assessed to the Department, incident to the construction of said separation at North Street, applying the above referred to agreed plan of apportionment of cost with Southern Pacific Company.
- (2) To maintain the superstructure of said separation, including the pavement and sidewalks, only in the event the Department is relieved from maintaining North Street on either side of the railroad.

IV. This order shall not become effective unless the City of Redding files with this Commission, and prior to the actual commencement of construction of said separation at North Street, 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 construction of said separation of North Street and upon its being opened to public use and travel, Southern Pacific Company shall perform all the necessary physical work to effect the closing of said Crossing No. C-258.6 to public use and travel.

V. The authority herein granted shall lapse and become void if not exercised within one (1) year from the date of this order.

VI. The Order in said Decision No. 26372, in Application No. 19016, is rescinded and superseded by this Order.

The Commission reserves the right to make such further orders in these proceedings 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 effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 26th day of November, 1934.

Leon Coville

W. J. Carr

W. B. Harris

Chas. H. H. H.

Frank W. H.

Commissioners.