

Decision No. 40820.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the application of the
County of Riverside, a body politic and
corporate of the State of California,
for an order authorizing the construc-
tion for public highway purposes of a
crossing over the right of way of the
Southern Pacific Railroad.

Application No. 21623.

George A. French, Chief Deputy District Attorney,
for the County of Riverside, applicant.

H. W. Hobbs, for Southern Pacific Company,
Interested Party.

Arvin B. Shaw, of Stewart, Shaw & Murphy, for
Coachella Valley County Water District,
Interested Party.

BY THE COMMISSION:

O P I N I O N

The above proceeding, filed by the County of Riverside on January 11th, 1938, seeks the Commission's authority to construct a public highway at grade over Southern Pacific Company's single track main line from Los Angeles to the east near the Town of Coachella.

A public hearing on this matter was held before Examiner Ager at Riverside on April 5th, 1938.

The Coachella Valley County Water District comprises some 952,000 acres and extends from Cabazon about sixty miles southeasterly to the Riverside County line and to the mountains on either side of the valley. There are about 15,000 acres of this land in the district now irrigated by water pumped from wells and it is proposed that eventually 160,000 acres will be irrigated

from laterals constructed from the All-American Canal which is now being built to serve the Imperial Valley. The record shows that approximately \$1,000,000 is now available for construction of forty-three miles of a total of one hundred and thirty miles of canal which eventually will be built for the Coachella project.

The district is now engaged in constructing buildings for offices, warehouses and machine shops at a location immediately south of the townsite of Coachella and it is planned that ultimately all of the water users will of necessity come to these offices for the purpose of paying bills and transacting other types of business with the district. Further than this, the United States Bureau of Reclamation will have offices on the 25-acre tract. At present there are under construction an office building, a warehouse and a machine shop and garage. In addition to these buildings, it is proposed that several residences will be constructed on the tract for use by employees of the district. The present plans call for the expenditure of approximately \$35,000 on buildings.

During the period in which the canals are under construction, it is proposed that the district will cast its concrete pipe at this location and, as a consequence, there will be a considerable volume of traffic to and from the plant, by reason of trucks carrying these materials to the various jobs. Witnesses testified that eventually between 100 and 200 people would be regularly employed in the offices and garage but that during the construction period (estimated at three years), about 300 persons would be employed.

The record shows that at the present time there are in existence in this locality a crossing at mile post 614.9 (Crossing

No. B-614.9) and another at mile post 615.5 (Crossing No. B-615.5). In the instant application, it is proposed to construct a new crossing at mile post 615.14 which, as will be seen, is approximately midway between the present public crossings. Applicant takes the position that the new crossing will more nearly serve the public need, in that it will provide a means of access to their respective places of employment for persons employed at the district offices and plant; also, that it will be more convenient to district taxpayers having business to transact at this location than would be the case if they were required to use the present crossings.

The record shows that traffic over Crossing No. B-614.9 is confined entirely to persons desiring to reach one residence located east of the tracks and such traffic does not exceed ten cars per day. The crossing is extremely rough and poorly maintained and is protected by a single Standard No. 1 crossing sign. The County Engineer testified that neither the crossing approaches nor the road leading to the crossing was maintained by the county. Similar conditions exist and similar testimony was offered as to the existing crossing No. B-615.5. Traffic over Crossing No. B-615.5 consists of such persons as are desirous of reaching the public dump grounds located a short distance east of the tracks and estimates of this traffic indicate that it will not exceed ten vehicles per day.

Applicant's witnesses were reluctant to suggest the elimination of the existing crossings, it being their opinion that, if such a possibility were to be included in any order of the Commission, then the person who is served particularly by Crossing No. B-614.9 should be given an opportunity to be heard.

The record shows that rail traffic over this section of track consists of twelve freight trains and ten passenger trains per day. Permissible freight speeds are forty miles per hour and passenger speeds are permitted up to sixty miles per hour. The freight trains average from sixty to one hundred cars each. In addition to the above traffic, there is a possibility of several switching movements per day to the Coachella Valley Ice Plant located in the immediate vicinity.

Southern Pacific Company takes the position that there is no justification for three grade crossings over its tracks within a distance of approximately six-tenths of a mile, particularly in view of the light volume of vehicular traffic which uses the existing crossings. If the testimony at the hearing is borne out, it can well be expected that eventually some two hundred or more cars per day would use the new crossing, if authorized. It also would appear that, by constructing this proposed road to a connection with Tyler Street and then constructing Tyler Street to the north line of Lot 7 and the south line of Lot 17, as shown on Exhibit "C," attached to the application, reasonable access would be provided by the single crossing to those parties now desiring to reach the area east of the tracks.

Careful consideration leads us to the conclusion that, if a new crossing is to be constructed in this area, it should be of ample width, of high type construction and well protected and that compliance with these conditions should render the two existing crossings no longer necessary.

The following Order is predicated upon the opinion above expressed.

O R D E R

Public hearing having been held on this matter, the Commission being fully advised and the matter now being under submission

and ready for decision;

IT IS HEREBY ORDERED that the County of Riverside is hereby authorized to construct a public highway at grade over the track of Southern Pacific Company at the location more particularly described in the application and as shown by the map (Exhibits "B," "C" and "D"), attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. B-615.1.
- (2) The expense of constructing the crossing shall be borne on the following basis:
 - (a) Southern Pacific Company shall bear the cost of preparing its tracks to receive the pavement;
 - (b) The remainder of the cost of constructing the crossing shall be borne by applicant.
- (3) The maintenance of that portion of the crossing between lines two (2) feet outside the rails shall be borne by Southern Pacific Company and the maintenance of that portion of the crossing outside of such lines shall be borne by applicant. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the rails.
- (4) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of approximately fifty-five (55) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72 and shall, in every way, be made suitable for the passage thereon of vehicles and other road traffic.
- (5) Two flashing light signals (U.S. Bureau of Public Roads Standard), shall be installed, at the sole expense of applicant, for the protection of said Crossing No. B-615.1. The maintenance of these protective devices shall thereafter be borne by Southern Pacific Company.
- (6) Prior to the beginning of actual construction of the crossing herein authorized, the County of Riverside shall file with this Commission a certified copy of an appropriate ordinance, duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the

existing public grade crossings identified as Crossings Nos. B-614.9 and B-615.5. Upon completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossings Nos. B-614.9 and B-615.5 shall be legally abandoned and effectively closed to public use and travel.

- (7) 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.
- (8) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.
- (9) The Commission reserves the right to make such further orders relative to this matter 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 2nd day of May, 1938.

Walter H. Hume
Leon C. Whelan
James R. Sullivan
Raymond W. Hume
Ray L. Riley
Commissioners.