

Decision No. 33049.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of the CITY)
OF COLTON, a municipal corporation, for an)
order to widen "J" Street crossing of Atchi-) Application No. 22911.
son, Topeka and Santa Fe Railway Company in)
Colton, and for apportionment of cost.)

Waldo Willhoft, City Attorney, for Applicant

Robert Brennan and M. W. Reed, by M. W. Reed, for
The Atchison, Topeka and Santa Fe Railway Com-
pany, Protestant

BY THE COMMISSION:

O P I N I O N

In the above numbered proceeding, the City of Colton seeks an order from the Commission authorizing the widening of the "J" Street crossing over The Atchison, Topeka and Santa Fe Railway Company's tracks and also the apportionment of the costs of this improvement.

Public hearing in the matter was held before Examiner Ager at Colton on March 19, 1940, at which time it was duly submitted, and it is now ready for decision.

The record shows that "J" Street was laid out as an 80-foot street at the time the City of Colton was established, in or about the year 1887, and extends from the westerly city limits at Rancho Avenue to Eleventh Street, a distance of approximately one mile. Prior to 1938, about 24 feet of this street was surfaced with a light macadam pavement. During the year 1938, in connection with other street improvements in the City of Colton, "J" Street was improved and repaved to a width of 48 feet. Failure to agree with the railroad company, however, as to the proper allocation of the costs of improving the actual crossing area, has resulted in a "bottle-neck" condition being created at the tracks. Although the pavement on either side is now 48 feet in width, the

crossing itself still remains, as originally, 24 feet wide. All parties are in agreement that a serious hazard has been created by failure to complete the widening project so as to include the actual crossing.

One of the prime objectives in effecting the improvement of "J" Street was to eliminate some of the congestion which presently exists on "I" Street, which is a major highway artery (Federal Highway Route No. 99), by diverting some of the local city traffic from "I" Street to "J" Street. A 24-hour traffic count, commencing at 10:30 A.M. on March 18th, showed a total of 469 automobiles and 126 pedestrians over the crossing. During this same period there were 12 passenger trains and 38 freight trains over the crossing. Witnesses testified that the vehicular traffic would show a substantial increase if the crossing itself were improved, there being a tendency at present to not make the maximum use of the road due to the "bottle-neck" condition previously referred to.

The rail line involved is the main line of The Atchison, Topeka and Santa Fe Railway Company between San Bernardino and Los Angeles, by way of Fullerton, and is a portion of the line which is jointly used by the Union Pacific Railroad Company. The volume of rail traffic indicated by the count referred to above is, for all practical purposes, one-half Santa Fe and the other half Union Pacific.

The City of Colton, by ordinance, has imposed a speed restriction on trains of fifteen miles per hour through the area and while the view approaching from the east is unobstructed, as is the view to the south approaching from the west, the stimulation of traffic, which has been a direct result of the widening, warrants the installation of automatic signal devices in place of the present fixed signs.

Although the record shows that "J" Street, at least as a paper street, was in existence, of an 80-foot width, prior to the construction of the line of railroad involved herein, the widening of the crossing as proposed by the city will be of benefit both to the city and the railroad, in the way of eliminating a serious hazard which has been created at the point of crossing. In view of this finding, therefore, it would appear that the costs should be divided equally between the city and the railroad.

Careful consideration of the record in this proceeding leads to the conclusion that, in the interests of public safety, the crossing of "J" Street over these tracks should be widened to conform to the paved width of the remainder of the street, and the following Order will so provide.

O R D E R

Public hearing having been held and the Commission being fully advised;

IT IS HEREBY ORDERED that the City of Colton is hereby authorized to widen and improve the crossing of "J" Street over The Atchison, Topeka and Santa Fe Railway Company's main line (Crossing No. 2B-3.2), in the City of Colton, subject to the following conditions:

- (1) The cost of preparing the tracks to receive the pavement, including ballast, ties, guard-rail, etc., shall be borne by The Atchison, Topeka and Santa Fe Railway Company. The actual paving costs shall be borne by the City of Colton.
- (2) Said crossing shall be reconstructed equal or superior to the type shown as Standard No. 2 of our General Order No. 72, and shall be reconstructed of a width to conform to that portion of "J" Street now paved, with tops of rails flush with the pavement and grades of approach not to exceed two (2) per cent.
- (3) The maintenance of those portions of said crossing up to lines two (2) feet outside of the rails shall be borne by the City of Colton. The maintenance of those portions of the crossing between lines two (2) feet outside of the rails shall be borne by The Atchison, Topeka and Santa Fe Railway Company.

- (4) Two Standard No. 3 wigwags, as specified in General Order No. 75-B of this Commission, shall be installed for the protection of said crossing of "J" Street (Crossing No. 2B-3.2). The expense of installing this protection shall be borne on a basis of fifty per cent (50%) by applicant and fifty per cent (50%) by The Atchison, Topeka and Santa Fe Railway Company. The maintenance of these signals shall thereafter be borne by The Atchison, Topeka and Santa Fe Railway Company.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the improvement of said crossing and of its compliance with the conditions hereof.
- (6) 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.
- (7) The Commission reserves the right to make such further orders, relative to the location, reconstruction, 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, necessity and safety demand such action.

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

Dated at San Francisco, California, this 30th day of April, 1940.

Ray L. Coney
James A. Allen
Raymond J. [unclear]
L. H. [unclear]
Justus F. Coenen
 Commissioners.