

Decision No. 21137.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
CITY OF RIALTO for permission to construct
a crossing at grade over the tracks of The
Southern Pacific Railroad on Riverside
Avenue in the City of Rialto, County of
San Bernardino, State of California.

Application
No. 23258.

ORIGINAL

R. E. Hodge, City Attorney, for the City
of Rialto

C. W. Cornell, for Southern Pacific Com-
pany, Protestant

Walter V. Pittman, for Third Supervisorial
District, Riverside County, Interested
Party

BY THE COMMISSION:

O P I N I O N

The above numbered application, filed by the City of Rialto, seeks the Commission's authority to construct Riverside Avenue over the main line track of Southern Pacific Company's El Paso Line.

Public hearing on said application was conducted by Examiner Ager at Rialto on May 8, 1940, at which time the matter was taken under submission, and it is now ready for decision.

The rail line involved is Southern Pacific Company's single-track main line, over which there are five scheduled passenger trains and five regular freight trains each way daily. Normal speeds through this territory are sixty miles per hour for passenger trains and forty-five miles per hour for freight trains.

The record shows that Riverside Avenue is the main business street through the City of Rialto, running in a northerly and

southerly direction and, although dedicated as a public highway for the entire distance between Rialto and Riverside, has never been constructed across the tracks and now terminates at the point where it joins with U. S. Highway Route No. 99 (Colton Avenue). At one time Riverside Avenue was graded and oiled from the Southern Pacific south right of way line southerly to the City of Riverside but storms in recent years have resulted in complete destruction of that portion of the improved roadway from the right of way line to a point approximately one mile to the south. From this latter point to Agua Mansa Road (approximately one mile additional), Riverside Avenue is still in usable condition, though in need of improvement both as to surfacing and alignment, and from Agua Mansa Road to the Riverside city boundary the County of Riverside has improved the road to a relatively high standard. At the present time, the customary route for persons desiring to travel from Rialto to Riverside is over Riverside Avenue to Bloomington Avenue, thence via Bloomington Avenue, Cedar Avenue, Crestmore Road, Agua Mansa Road and Mission Boulevard. The testimony indicates that this route is some three miles longer than would be the case if Riverside Avenue were opened.

Willow Street, parallel to and about one-quarter mile west of Riverside Avenue, extends from the Arrow Highway on the north to Jurupa Avenue on the south, a distance of some three miles, and the record shows that in the area south of the crossing with Southern Pacific Company's tracks there are but four residents served by this road. The Willow Street crossing has in the past been the scene of several serious accidents, one of which resulted in the death of five persons. The views are totally obscured by trees to the east of the crossing and by a cut immediately to the west. In an effort to lessen the accident hazard at this point, Southern Pacific Company, during the year 1937, installed two flashing light type signals and, since that date, the records show that there have been no further accidents.

Because, however, of the poor view conditions set forth above, the Willow Street crossing is still a point of serious potential accident hazard. The testimony shows that the Riverside Avenue crossing, if constructed, would be far more open and that the hazard of accident would be considerably less. The San Bernardino County Board of Supervisors, at its meetings held on August 14 and 21, 1939, gave recognition to this fact and the minutes of the meeting on the latter date indicate that no serious objection would be raised to the closing of the Willow Street crossing, if and when the Riverside Avenue crossing is opened, provided that a paved or oiled outlet is made to the new Riverside Avenue. Slover Avenue parallels the Southern Pacific tracks at a distance of about one-quarter mile to the south and is now graded between Willow Street and Riverside Avenue. Oiling the surface of this street to provide the connection desired would be inexpensive.

The closing of the Willow Street crossing also would be of benefit to the applicant from an economic standpoint, because the existing signals at this point could be relocated to the Riverside Avenue crossing, thereby effecting a saving in installation costs in excess of \$1,000.⁽¹⁾

The Willow Street crossing is in unincorporated territory of the County of San Bernardino, whereas the proposed crossing at Riverside Avenue is within the city limits of the City of Rialto. In spite of this fact, the proposed opening of the Riverside Avenue crossing is a direct concern of the County of San Bernardino, as well as the County of Riverside, and witnesses for both counties

(1) The estimated cost of constructing the crossing and providing protection at Riverside Avenue if the Willow Street crossing remains - \$3,769.

The estimated cost of constructing the crossing and providing protection at Riverside Avenue if the Willow Street crossing is closed - \$2,699.

were of the opinion that the benefits to be derived far outweigh any ill effects which might be occasioned by the closing of the Willow Street crossing.

Southern Pacific Company appeared as a protestant but its sole basis of protest was that if Riverside Avenue was to be opened, then the existing Willow Street crossing should be closed, as there was no justification for two crossings over this high-speed rail line within a distance of one-quarter mile. Without exception, all witnesses (including protestant's witness), were of the opinion that the Riverside Avenue crossing would better suit the public need and would be much safer.

Careful consideration of the entire record in this proceeding leads us to the conclusion that public convenience, necessity and safety justify the opening of a new crossing at Riverside Avenue, provided that the existing crossing at Willow Street be closed to public use, 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 Rialto is hereby authorized to construct Riverside Avenue at grade across the track of Southern Pacific Company's El Paso Line, at the location more particularly described in the application and as shown by the map attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. E-536.3.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the rails shall be borne by Southern Pacific Company. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the rails.

- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle of approximately ninety (90) degrees to the railroad, and with grades of approach not greater than seven (7) 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.
- (4) Prior to the beginning of actual construction of the crossing herein authorized, the County of San Bernardino 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 public grade crossing at Willow Street identified as Crossing No. B-536.0. Upon the completion of the crossing herein authorized and upon its being opened to public use and travel, said Crossing No. B-536.0 shall be legally abandoned and effectively closed to public use and travel.
- (5) Protection at the Riverside Avenue crossing shall be by the two flashing light signals now in place at the Willow Street crossing, which shall be removed and reinstalled at Riverside Avenue at the sole expense of applicant. The maintenance of these signals shall thereafter be borne by Southern Pacific Company.
- (6) Applicant shall cause to have removed all trees, shrubs and other forms of vegetation, as well as any other obstructions, to the extent that a clear view of said track may be had for a distance of not less than two hundred (200) feet in either direction from said Crossing No. B-536.3, from a point on Riverside Avenue located two hundred (200) feet from the track.
- (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 the location, construction, operation, maintenance and protection of said crossing, as to it may seem right

