

Decision No. 33183.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
City of Riverside for authority to alter
the grade crossing across the Union
Pacific and Pacific Electric tracks at
North Market Street.

Application No. 23118.

ORIGINAL

Eugene Best, City Attorney of Riverside,
for Applicant.

E. E. Bennett, for Union Pacific Railroad Com-
pany, Protestant.

C. W. Cornell, for Pacific Electric Railway
Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The above numbered application, filed by the City of Riverside, asks the Commission to issue an order directing the Union Pacific Railroad Company and Pacific Electric Railway Company to construct an underpass at North Market Street under the Rialto Branch of the Union Pacific Railroad Company, or take such other means as may be considered necessary to provide adequate protection to vehicular traffic at said crossing (No. 3R-0.8).

Public hearing on this application was conducted by Examiner Ager at Riverside on April 2, 1940, at which time the matter was taken under submission, and it is now ready for decision.

North Market Street extends as a continuation of Market Street for approximately one-quarter mile beyond First Street, where it encounters the Rialto Branch of the Union Pacific Railroad Company. It then parallels the railroad along its southeasterly side for approximately six hundred feet, turns northerly again, crosses the railroad at grade and extends two blocks to the

end of the street. On the north side of the tracks, North Market Street lies about equi-distant (approximately 0.2 mile from each), between North Fairmount Boulevard and North Main Street, both of which streets cross the railroad involved at separated grades, the crossings being identified as Nos. 3R-1.0-B and 3R-0.6-B, respectively.

In the area north of the tracks, Hendry Street is constructed at right angles to North Market Street at a distance of approximately six hundred feet from the point where North Market Street crosses the tracks. Hendry Street extends two blocks easterly to a connection with North Main Street but at present is not open westerly to a connection with North Fairmount Boulevard. In the area between North Fairmount Boulevard and North Main Street, north of the railroad tracks and southerly of the north end of North Market Street, there are a few private residences, considerable undeveloped acreage and a warehouse and storage yard of the Nevada-California Power Company. The undeveloped area, while subdivided into lots, is so laid out that it appears that at least half would be as well or better served by the existing grade separation at North Main Street. This, in effect, leaves but one-quarter of the area above described to be benefited by the proposed separation, if constructed.

Witnesses for the applicant testified that the need for a separation at this location was the result of a hazardous condition which confronts motorists approaching the existing grade crossing from opposite directions. Under present conditions, no view of opposing traffic is possible, by reason of the steep approach grades on either side of the crossing. An abrupt turn at the actual point of crossing also adds to the hazard. Some difference of opinion exists as to the danger of collision between trains and vehicular traffic, but it appears that this hazard is small, as compared with that of vehicle vs. vehicle collision.

Recognizing the hazard above described, the City Council of the City of Riverside, on October 3, 1939, ordered the crossing closed. ⁽¹⁾ No official vacation has been made, however, and residents have since removed the barricades and resumed use of the crossing, in spite of the Council order.

The opinion was expressed that a separation at North Market Street, when used in conjunction with a by-pass to be constructed westerly to Fairmount Boulevard, was necessary in order to provide an additional means of access to Fairmount Park for persons residing in the northeastern section of the City of Riverside, as well as for persons desiring to reach the park from the Colton and San Bernardino areas. Cross-examination of these witnesses, however, resulted in the admission that the principal benefits would accrue to those residents living on North Market Street between the railroad and Hendry Street; also, in refutation of the claim that the separation is necessary for residents of Colton and San Bernardino, the evidence clearly shows that the usual route of travel for these persons is via Oakley Avenue and Strong Street, both of which connect through from North Main Street to Fairmount Boulevard and provide easy means of access to the park.

Applicant expressed its inability to justify the expense of an elaborate separation at this location and outlined a proposal that a simple pile structure could be constructed which would reasonably meet all present demands. Under this proposal, the railroad would assume the cost of installation which was estimated at approximately \$5,000. This estimate, however, made no provision for any concrete retaining walls or for severance damages to adjacent property. It also was the opinion of applicant's witnesses that a deviation from

(1) Exhibit No. 1 is an extract from the Minutes of the Council meeting held on October 3, 1939, reading, in part, as follows: " * * * The Market Street grade crossing over the said right of way is now temporarily closed, due to its dangerous condition."

normally prescribed clearances could be justified in the interests of economy.

The rail line involved is constructed upon a substantial fill at the point of crossing and at present is jointly operated by Pacific Electric Railway Company and Union Pacific Railroad Company. Train movements over the crossing during a 24-hour period consist of eight interurban passenger cars and two box motors by Pacific Electric Railway Company and two regular freight movements by Union Pacific Railroad Company. ⁽²⁾ No vehicular traffic count was available but the testimony was to the effect that there was no substantial volume.

Exhibit No. 2, offered by the Union Pacific Railroad Company, is an estimate of the cost to construct a pile trestle, providing two center spans of eighteen feet, under the tracks at North Market Street. This estimate places the cost at \$7,200, which is exclusive of the cost of roadway excavation, paving or other street work incidental to the opening of the grade separation. In offering the plan for this structure (Exhibit No. 3), attention was directed to the inadvisability of using center piers.

Exhibit No. 4 was offered as an estimate of the cost to construct a reinforced concrete and steel separation at North Market Street, providing a clear span of thirty-eight feet. This estimate showed the cost of such structure to be in excess of \$38,000, exclusive of roadway excavation, paving or other street work.

Considerable testimony was offered as to the feasibility of constructing a westerly extension of Hendry Street from North

(2) Subsequent to the date of submission of this matter, the Commission has issued its Decision No. 33088 in Application No. 21656 and related proceedings, which decision, among numerous other things, authorizes complete abandonment of Pacific Electric service over the Rialto-Riverside Line. Compliance with this Order will reduce train operation to the two regularly scheduled Union Pacific movements daily.

Market Street to North Fairmount Boulevard, so as to provide an outlet for those in the area north of the tracks other than the proposed separation. Witnesses for the Union Pacific Railroad Company testified that such an extension, thirty-five feet in width, could be effected without any relocation of present improvements. It was applicant's contention that such an extension would prove more costly to the City of Riverside and that the city's only interest was in the construction of an inexpensive pile structure with the roadway beneath the tracks.

Applicant and the railroad companies involved were in agreement that there was little possibility of securing Federal aid to finance the project, because of its relative unimportance, and, therefore, if the separation is to be constructed, the expense involved necessarily would become an obligation of the railroads and the city.

Careful analysis of the record in this proceeding leads us to the belief that, despite the statements to the contrary, Hendry Street could be opened to a connection with North Fairmount Boulevard at substantially less cost than would be required for the construction of even the most economical type of grade separation. We are of the further opinion that such opening of Hendry Street would provide better means of access to and from the park area than by way of the North Market Street separation, because of the hazardous turn which would be necessitated immediately after crossing under the railroad tracks, as compared with the right angle turn and open views at the intersection of Hendry Street and North Fairmount Boulevard.

Based on the record, we find it impossible economically to justify the expenditure of any sum of money to effect a grade separation at this point or to improve the existing grade crossing. In the interests of safety, we believe that the solution to the

problem would be the permanent abandonment of the North Market Street crossing (No. 3R-0.8), and the opening of Hendry Street as outlined above.

The following form of Order is recommended:

O R D E R

A public hearing having been held, the matter having been submitted and the Commission being fully advised;

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby denied.

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

Dated at San Francisco, California, this 11th day of June, 1940.

Ray & Carey
Frank R. Deery
Ralph J. Deery
M. J. Deery
Justus F. Coe
Commissioners.