

Decision No. 41622

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the City of Riverside, a municipal)
 corporation, for an order directing)
 the physical opening of a crossing)
 at grade of Ninth Street over the) Application No. 28542
 tracks of the Los Angeles and Salt)
 Lake Railroad Company and its lessee,)
 the Union Pacific Railroad Company,)
 in the City of Riverside, Riverside)
 County, California.)

Miguel Estudillo, City Attorney, for applicant.
 E. E. Bennett, General Solicitor, Union Pacific
 Railroad Company, interested party.

O P I N I O N

Applicant requests authority to reopen the crossing, at grade, of the tracks of the Union Pacific Railroad Company and Ninth Street, in the City of Riverside (Crossing No. 3-57-4).

A public hearing was held at Riverside, before Examiner Syphers, on February 4, 1948, at which time the matter was submitted. It is now ready for decision.

The crossing under consideration has been in existence, and open, for many years prior to 1943. However, on February 2 of that year this Commission issued its order⁽¹⁾ authorizing, among other things, the closing of this Ninth Street crossing. This order was based upon then existing war conditions, including movements of

(1) Decision No. 36143, dated February 2, 1943, on Application No. 28189.

troops and defense materials over the railroad.

Various businessmen testified that the reopening of the crossing would be advantageous to them, relieving traffic congestion and providing more direct means of egress and ingress to their places of business. Also, various officials of the City of Riverside testified to the same effect.

There was testimony presented by the Fire Marshall and by a Councilman of the City of Riverside, to the effect that the reopening of the crossing is desirable from a safety standpoint inasmuch as the fire department vehicles would use Ninth Street. Furthermore, an important fire hydrant is located on the southwest corner of Ninth and Vine Streets, access to which is hindered by the barricades now closing the crossing.

A record of the grade crossing accidents in Riverside since 1940 showed one accident on March 2, 1942, at the crossing herein being considered. This accident was a collision between a railroad train and a passenger automobile and resulted in a fatal injury.

Exhibits 4 to 9, inclusive, are photographs of the grade crossing. Exhibit 10 shows the number of freight and passenger train movements, except light engine and switching movements, across this crossing during a representative month, the totals of which are as follows:

<u>Westbound</u>		<u>Eastbound</u>	
<u>Freight</u>	<u>Passenger</u>	<u>Freight</u>	<u>Passenger</u>
241	142	234	151

Exhibit 11 sets out 295 as the number of all-train movements in both directions for a representative period, from January 23 to February 1, 1948.

At the intersection herein under consideration, the tracks run in a northerly and southerly direction while Ninth Street crosses in an easterly and westerly direction. Due to existing buildings on the northwest and northeast corners, and due to the diagonal direction at which the tracks cross the street, the visibility at the crossing is somewhat impaired. Exhibit 13 shows that, at a point in the center of Ninth Street and 100 feet westerly of the crossing, there is an unobstructed view along the railroad tracks for 300 feet to the south, but for only 45 feet to the north. Also, this exhibit shows that, at a point in the center of Ninth Street and 100 feet easterly of the crossing, there is an unobstructed view along the railroad tracks of 105 feet to the south and but 45 feet to the north.

In the light of this evidence we are not disposed to authorize the reopening of the crossing. There are means of access to the business houses in the area in that Eighth and Tenth Streets both cross the tracks. Likewise, the fire department vehicles can and do now use these streets, according to the testimony presented.

Exhibit 12 shows that, when so-called eastbound trains are in the Riverside Station, they stop so as to leave Seventh Street open but extend back across Eighth, Ninth, and Tenth Streets. The so-called westbound trains stop so as to leave Eighth Street open and extend back across Seventh Street. Thus, there are always open streets in the immediate vicinity of the Ninth Street crossing.

Therefore, due to the existence of other crossings which can be used, and the physical conditions in connection with the Ninth Street crossing, we conclude that it would not be in the public

interest to reopen the Ninth Street crossing.

The application will be denied without prejudice.

O R D E R

A public hearing having been held in the above-entitled proceedings and the Commission being fully advised,

IT IS ORDERED that the application of the City of Riverside for an order authorizing the reopening of a crossing, at grade, of the tracks of the Union Pacific Railroad Company and Ninth Street, in the City of Riverside, be, and it hereby is, denied.

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

Dated at San Francisco, California, this 25th day of May, 1948.

A. J. Anderson
Justus F. Calmer
Walter H. Russell
Harold P. Kula
Kenneth Potter
COMMISSIONERS