

Decision No. 45917

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Commission)
 investigation concerning the)
 Hughes Place and St. Lawrence) Case No. 5278
 Street Grade Crossings within)
 the City of Riverside, County)
 of Riverside.)

John Power for Transportation Division of the Public
 Utilities Commission of the State of California. H. M. Dougherty
 for the City of Riverside, protestant. Robert W. Walker and
John J. Balluff for The Atchison, Topeka and Santa Fe Railway
 Company, interested party.

O P I N I O N

This Commission upon its own motion ordered an investi-
 gation into the maintenance, operation, use and protection of
 the grade crossings in the City of Riverside, California, at
 Hughes Place (Crossing No. 2 B-17.1) and St. Lawrence Street
 (Crossing No. 2 B-14.5) over the right of way and tracks of
 The Atchison, Topeka and Santa Fe Railway Company for the
 following purposes:

1. To determine if said grade crossings, or any of them,
 are hazardous to the public.
2. To determine whether the safety of the public demands
 that any one or more of said grade crossings be abolished by
 physical closing or alteration or relocation, and whether the
 safety of the public demands the installation of protective
 devices at one or more of said grade crossings.

3. To prescribe the terms upon which any such physical closing, alteration or relocation and any such installation shall be made and the proportions in which the expense thereof shall be divided between The Atchison, Topeka and Santa Fe Railway Company and the City of Riverside.

Public hearings were held at Riverside before Examiner Rowe on May 25, 1951, and June 11, 1951, and oral and documentary evidence was adduced and the matter was duly submitted on June 11, 1951.

Crossing 2 B-14.5 is a crossing by St. Lawrence Street in the City of Riverside over the main track of The Atchison, Topeka and Santa Fe Railway Company, located approximately 4.6 miles southwest of the 8th Street Depot of the carrier. At this crossing St. Lawrence Street is a dedicated street across the railroad track. From Lincoln Avenue on the south the used portion of St. Lawrence Street is a ten-foot wide dirt road. It extends to the north approximately 278 feet where it ends at an irrigation canal running generally parallel to the tracks. The crossing itself is approximately 15 feet wide and is constructed with an oil mixture between the rails.

The allowable speed of trains at this crossing is seventy-nine miles per hour for passenger trains, and fifty-five miles per hour for freight trains. The volume of vehicular traffic over this crossing is extremely light. One witness for the city testified that, during the one and one-half hour he recently spent in the vicinity, no automobiles crossed the tracks at said crossing.

The testimony as to private convenience and to the probable future residential development north of the tracks and the possibility of opening St. Lawrence north and through to Indiana Avenue appears too speculative to be of any value. In the opinion of the staff engineer who examined this crossing, visibility at that point is poor and it presents a traffic hazard and should be closed. Balancing the small private need and the lack of any substantial public need for this crossing against the fact that it presents a serious safety hazard, the Commission finds as a fact that the closing of this crossing would not be adverse to public interest and that it should be ordered closed.

Crossing 2 B-17.1 is a crossing at Hughes Place in the City of Riverside over the main line railroad tracks located approximately 7.2 miles southwest of Riverside Depot. Hughes Place is a dirt road 10 feet wide on a dedicated easement 20 feet wide. The crossing of the track is 17 feet wide, with an oil mixture between the rails. The grade of approach from the south is a descending 1.2 per cent grade, and it slopes on a 3.6 per cent grade away from the tracks to the north.

In the opinion of the Commission engineer who made a study of these grade crossings, the Hughes Place Crossing is dangerous and should be closed because of poor visibility

especially as one approaches the one-hundred-foot right of way. From the map, Exhibit No. 20, and photographs, especially Exhibits Nos. 3 and 5, visibility appears and is found to be very poor due to orchards in all quadrants, and a 2 per cent curve on the railroad approximately 300 feet east of the crossing. The allowable speed of passenger trains over this crossing is 65 miles per hour and 50 miles per hour for freight trains. The fact that no serious injuries have so far occurred on either of the two crossings involved in this investigation is not persuasive in determining whether these crossings do or do not present a hazard to the public. The public use of this crossing is inconsiderable. According to one of the witnesses for the city, only 15 or 20 cars use the crossing per day.

The few residents residing along Hughes Place south of the Santa Fe tracks could use Fox Street east of Hughes Place with only slight inconvenience, and cross the tracks over crossing 2 B-16.9 at Harrison Street. This would increase the distance to be traveled by about two-fifths of a mile. In the absence of competent testimony as to the inability of the fire department to lay fire hose over or under the tracks at the location of the present crossing 2 B-17.1, it must be assumed that the elimination of this crossing would not adversely affect the public interest in this regard. It is of interest that the resolution of the Mayor and City Council, adopted February 1, 1949, did not contain a finding that the crossings herein discussed were not dangerous, and the finding that said crossings were needed was not stated to be a public as distinguished from a private need. Even should the city be

required to install a fire hydrant along Hughes Place south of the tracks at a cost of approximately \$2,500 in order to adequately protect the homes in that neighborhood, it would present no valid reason for retaining this crossing. The Commission finds that this crossing presents a public hazard and should be closed.

O R D E R

Investigation on the Commission's own motion having been instituted, public hearings having been held thereon, the matter having been duly submitted and the Commission now being fully advised,

IT IS ORDERED that the City of Riverside shall institute all necessary steps to legally abandon and effectively close the existing crossings at grade at St. Lawrence Street (Crossing No. 2 B-14.5), and at Hughes Place (Crossing No. 2 B-17.1) over the tracks of The Atchison, Topeka and Santa Fe Railway Company in the City of Riverside, within ninety (90) days after the effective date of this order. The Atchison, Topeka and Santa Fe Railway Company, at its sole expense, shall remove the crossing signals and pavement from its right of way and erect suitable barriers in such manner as effectively to prevent the use of said crossings, and each of them, by vehicular traffic within thirty (30) days after the closure of said crossings.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 3rd
day of July, 1951.

A. T. Anderson
Justin G. Cassin
Harold P. Kula
Kenneth H. Patten
John L. McNeil
 COMMISSIONERS