

ORIGINALDecision No. 47249

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of the County of Riverside, a)
political division of the State)
of California, having corporate)
powers, for an order authorizing) Application No. 33101
the construction of a new crossing)
at the intersection of Temescal)
Street and Magnolia Avenue, public)
highways, over the right of way of)
the Pacific Electric Railway)
Company.)

Ray T. Sullivan for applicant. Randolph Karr for
Pacific Electric Railway Company, protestant. Clayson and
Stark by Walter S. Clayson for John W. Leeson, interested
party.

O P I N I O N

In this application the County of Riverside requests authority to construct a crossing at grade across the tracks and right of way of Pacific Electric Railway Company at Temescal Street, in a subdivision known as Home Gardens. A public hearing was held before Examiner Ager in Riverside on April 29, 1952, at which time a complete record of oral as well as documentary evidence was adduced and the matter was duly submitted for determination.

Pacific Electric Railway Company's Corona Line runs in a northeasterly and southwesterly direction through the community, but for the purpose of this opinion it will be assumed that these tracks run east toward Riverside and west toward Corona.

The streets of Home Gardens are laid out parallel to and at right angles to the railroad, the main street being State Highway No. 43 (known locally as Magnolia Avenue), which is a divided highway, with eastbound traffic utilizing the south roadway and westbound traffic the north roadway. Pacific Electric Railway Company's track is located in the strip between the two roadways.

From the evidence of record, it appears that the townsite of Home Gardens consists of a developed area of approximately 400 homes on the north side of the state highway and 200 homes on the south side, with an estimated total population of 1,800 to 2,000 persons.

The testimony shows that an average of one train daily in each direction passes through the townsite of Home Gardens. The consist of these trains averages six cars, and they are operated at a speed of approximately 15 miles per hour. The daily movements take place between the hours of 9:00 p.m. and 12:00 p.m. in either direction.

Pacific Electric Railway Company appeared in opposition to the proposal, it being the company's position that, if the crossing at Temescal Street were to be authorized, the Commission should rescind the authority previously granted by Decision No. 45270, dated January 16, 1951, in Application No. 31949, to construct Neece Street at grade over these tracks in the same general vicinity.

The record shows that authority has been granted by the State Division of Highways for a crossing of Temescal Street with State Highway Route No. 43, which carries approximately 6,000

vehicles daily on each of the two lanes. While under normal circumstances the Commission is averse to the granting of authority for the construction of new railroad crossings at grade, it would appear to us that in this instance the crossing of a high-speed state highway would involve far more hazard than would a crossing of this unimportant single-track rail line. Thorough consideration of the entire record in this proceeding leads us to the conclusion that the public would be far better served if the new crossing were authorized at Temescal Street than would be the case if people residing in the vicinity were required to travel contrary to the flow of traffic along the northerly roadway of Magnolia Avenue in order to reach a crossing which has been previously authorized for construction at Neece Street, and thence travel easterly toward Riverside.

The application will be granted.

O R D E R

It is ordered that the County of Riverside is authorized to construct Temescal Street, in the vicinity of Home Gardens, at grade across the Corona Line of Pacific Electric Railway Company, at the location as shown by map (Exhibit "A") attached to the application, to be identified as Crossing No. 6W-11.93. Width of the crossing shall be not less than 24 feet and grades of approach not greater than five per cent. Construction shall be equal or superior to Standard No. 1 of General Order No. 72, paving material in the track area to consist of seven inches of asphaltic concrete. Protection shall be by two Reflectorized Standard No. 1

crossing signs (General Order No. 75-B). Applicants shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Pacific Electric Railway Company shall bear maintenance cost between such lines.

Within thirty (30) days after completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one (1) year, unless time be extended, or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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

Dated at San Francisco, California, this 9th day of June, 1952.

A. Z. Anderson
President
Justice J. Casper
Kenneth Potter
Edw. L. Mitchell
Commissioners