

**ORIGINAL**Decision No. 48,325

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the County of Yuba, a political subdivision of the State of California, for an order authorizing construction of a crossing at separated grades of the tracks of the Western Pacific Railroad Company, No. 4 Main Line, southerly of the City of Marysville, and the abolition of existing Crossings Numbers 177.80, 176.7, and 175.6.

Application No. 33312

Commission Investigation into the Riverside Avenue, Feather River Boulevard, and Arboga Road grade crossings with the Western Pacific Railroad Company in Yuba County.

Case No. 5277

Joseph L. Heenan, District Attorney, and Francis M. Arnoldy, Deputy District Attorney, for County of Yuba, applicant in Application No. 33312 and respondent in Case No. 5277.  
E. L. Van Dellen, for Western Pacific Railroad Company, respondent in Case No. 5277 and interested party in Application No. 33312.  
Rich, Carlin & Fudge by W. P. Rich, for residents of affected territory, protestants.  
Halsey L. Rixford and M. E. Getchel, for the Commission's staff.

O P I N I O N

By Application No. 33312, the County of Yuba seeks an order: (a) authorizing the construction of a new public highway crossing at separated grades under the track of Western Pacific Railroad Company, situated about 3,000 feet south of the present Riverside Avenue grade crossing, near the Yuba River, south of Marysville; (b) apportioning the cost of constructing and maintaining this crossing between applicant and the railroad; and (c) requiring the closing of three existing grade crossings of public highways over the railroad track within a space of approximately

two miles, located both north and south of the proposed underpass. Case No. 5277 involves an investigation initiated by the Commission to determine whether public safety requires the closing, alteration, or relocation of these three grade crossings, or any of them; whether protective devices should be installed at one or more of them; and whether the expense of so doing should be apportioned (and if so, upon what terms) between the railroad and the county. (1)

A public hearing was held before Commissioner Mitchell and Examiner Austin at Marysville on September 17, 1952, when the matters were submitted. Both proceedings were consolidated for hearing and decision.

Evidence in support of their proposals was offered by the respective parties. The county produced a civil engineer familiar with the project, an assistant district engineer of the State Division of Highways, the county sheriff, and a commissioner of the local fire district. The railroad company called an assistant engineer. Certain residents of the affected territory submitted testimony representative of protestants' position. For the Commission's staff, an associate transportation engineer was produced.

The issues originally tendered have been narrowed materially. At the hearing both the county and the railroad announced their agreement upon the manner in which the cost of constructing and maintaining the underpass should be apportioned between them. Although protestants have questioned the suitability of the location proposed for this subway, they have not challenged the need for its

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(1) Case No. 5277 was instituted by an order dated March 27, 1951. Originally, this was set for hearing at Marysville on June 21, 1951, but was dropped from the calendar to afford interested parties an opportunity to resolve their differences. No such understanding having been reached, Application No. 33312 was filed by Yuba County on April 14, 1952.

installation. Moreover, they have objected only to the closing of the most northerly of the three grade crossings involved, but not to closing the other two crossings.

Throughout the territory affected, the Western Pacific main line track extends generally in a northerly and southerly direction, crossing the Yuba River on a bridge. Immediately north of the river lies the City of Marysville. The track rests upon an embankment some 10 to 20 feet above the natural level of the surrounding ground, and at about the same elevation as the top of the levee which parallels the south bank of the Yuba River. The three grade crossings involved are located within a space of approximately two miles, viz., one, at Riverside Avenue, situated upon the levee mentioned; the second, at Feather River Boulevard, some 5,900 feet south of the first crossing; and the third, 4,900 feet still farther south, at Arboga Road. <sup>(2)</sup> The railroad embankment is pierced by two trestles--one located immediately north of Feather River Boulevard crossing, and the other at Pasado Avenue between the crossings at Feather River Boulevard and Arboga Road. At both points water flows under the track through established channels.

In this area U. S. Highway 99, a main traffic artery, extends north and south, crossing the Yuba River into Marysville over "D" Street Bridge, which lies east of the railroad bridge mentioned. It runs south to Olivehurst, a community distant about 3½ miles from the Yuba River crossing. Immediately south of "D" Street Bridge (where for a short distance they are adjacent), the

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(2) Throughout the testimony the crossing at Riverside Avenue was referred to as crossing No. 1; that at Feather River Boulevard, as crossing No. 2; and that at Arboga Road, as crossing No. 3. They are designated officially as crossing No. 4-177.8, at Riverside Avenue; as crossing No. 4-176.7, at Feather River Boulevard; and as crossing No. 4-175.7, at Arboga Road.

highway diverges eastward from the Western Pacific track. At Linda  
(3)  
Corners (where it is joined by Feather River Boulevard), the highway  
lies about 1,600 feet east of the track. South of Feather River  
Boulevard the track and the highway are parallel for a short distance,  
but they separate beyond the Arboga Road crossing.

Here, the State Division of Highways plans to establish a  
freeway extending south from "D" Street Bridge to 7th Avenue in  
Olivehurst, a distance of approximately 3.6 miles. For a short dis-  
tance south of "D" Street Bridge, and also for about 3,600 feet  
north of the 7th Avenue terminus in Olivehurst, the freeway route  
would coincide with that of the present highway. For the remaining  
distance the freeway would lie between the highway and the railroad  
(4)  
track. This would be a four-lane divided highway. Following its  
completion, traffic would cross the Yuba River over the existing  
"D" Street Bridge. Ultimately, a new two-lane bridge will be con-  
structed, paralleling the present one and extending from the northern  
terminus of the freeway, across the Yuba River to a point between  
"D" and "E" Streets in Marysville. Upon completion of the freeway,  
the superseded portion of the present state highway will be relin-  
quished to the county.

Among the more important secondary roads traversing this  
area are Feather River Boulevard, Riverside Avenue, Garden Avenue  
and Arboga Road. From a connection with U. S. Highway 99 at Linda  
Corners, Feather River Boulevard extends west across the Western  
Pacific track some 4,800 feet, thence turning southwesterly. From a

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(3) Linda Corners is a local shopping and business center, situated  
east of the Western Pacific track.

(4) The proposed new crossroad would intersect the freeway some  
500 feet west of the present highway, and 300 feet east of the  
Western Pacific track, where the contemplated subway would be  
located. At Feather River Boulevard the freeway would lie about  
1,100 feet west of the highway and 500 feet east of the railroad  
track.

connection with Feather River Boulevard near the point where the latter changes its course, Riverside Avenue extends north and east across the track, and along the Yuba River levee for a short distance, to U. S. Highway 99, which it joins at the southerly end of "D" Street Bridge. From a connection with Riverside Avenue near the Yuba River levee, Garden Avenue runs southward across Feather River Boulevard (becoming South Garden Avenue beyond that point) for a distance of about 8,400 feet to Pasado Avenue, where it terminates. It lies some 500 feet west of and parallel to the railroad track. Crossing the track on a diagonal, Arboga Road connects with other roads leading directly to Linda Corners. If this crossing is closed the county contemplates the construction of a new road, between the situs of the present crossing and the junction of Pasado and South Garden Avenues, thus providing a through route west of the track along Garden Avenue, South Garden Avenue, the new highway link, and Arboga Road. South of Pasado Avenue, and west of Arboga Road, lies the Marysville Airport.

As part of this project the county plans to establish a new road running west from U. S. Highway 99, with which it would connect at a point about 3,200 feet north of Linda Corners. This road, having a total length of about 3,500 feet, would terminate at Riverside Avenue. It would cross both the new freeway and the Western Pacific track at separated grades, through underpasses which would be constructed. In its course, this road would intersect Garden Avenue.

The proposed subway under the Western Pacific track would be located about 3,000 feet south of the Riverside Avenue crossing. A plan was submitted which, it was said, had been approved by the county, the State Division of Highways, and the Western Pacific.

In general it provides for a roadway 48 feet in width with a two-foot sidewalk on each side of the roadway, and a 15-foot vertical clearance under the tracks. To facilitate construction of the new road under both the railroad and the freeway, the latter would maintain the same grade as the top of the levee and the railroad embankment. Suitable approaches would be installed, as well as roads connecting the freeway and existing Highway 99. Adequate drainage facilities would be provided.

The location of the underpass at the proposed site is feasible, the County engineer testified. Following a survey, he had concluded that the new road would adequately serve the convenience of those residing west and north of the underpass, as well as those living south of this location. In his judgment it would accommodate traffic moving to and from Marysville over Feather River Boulevard and Riverside Avenue. It would provide a better approach, both to the freeway and to Highway 99, for traffic originating in or destined to the territory lying south of the subway. Admittedly, residents of the area situated directly north of the new road, now served by the Riverside Avenue crossing, would suffer some inconvenience through having to travel a longer distance in order to reach Marysville. To better serve the entire region, Garden Avenue would be widened, and also extended as described.

The proposed location of this subway, it was said, is keyed to the plans of the Division of Highways for the construction of the freeway. Assertedly, it is situated at the northernmost point where underpasses under both the railroad track and the freeway could be

(5)  
so constructed as to meet the Division's requirements. In view of topographical considerations, the location of these structures farther north would leave insufficient space to provide suitable and necessary connecting roads and approaches. The area lying north of the new crossroad, between the present highway and the railroad right of way, is triangular in shape, tapering to a point near the entrance of the highway to "D" Street Bridge. At the base of this triangle, along its southern edge, the distance between the track and the highway is approximately 300 feet.

(6)  
There is no longer any controversy regarding the apportionment of the cost of constructing this subway. To avoid prolonged litigation and to expedite completion of the project, the railroad and the county have resolved their differences. It is estimated that the cost of constructing the underpass structure would reach \$135,000. Under the arrangement reached between them, the railroad would assume \$49,750 of this cost, and the remainder amounting to \$85,250 would be

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(5) Specifically, the County engineer testified that in his judgment the railroad underpass should not be located at or near the present Riverside Avenue grade crossing. To do so, he said, would leave insufficient space for the necessary connecting roads and approaches; it might interfere with the construction of the proposed parallel highway bridge across the Yuba River; and it would not allow sufficient room for traffic crossing the bridge to safely enter the underpass over connecting roads.

(6) The plans contemplate the construction of cloverleaf connecting roads between the new crossroad and the freeway, of roads connecting the freeway and existing Highway 99 (including a subway under the freeway), and of suitable deceleration lanes. The freeway grade would be higher than that of the existing highway. To properly install such a system of connecting roads, adequate space must be available, it was said.

(7)  
borne by the county. A stipulation to this effect appears in the record.

Under the plan presented here, it is contemplated that all three of the grade crossings in question would be closed. This proposal was contested only as to the crossing located at Riverside Avenue. The showing concerning these crossings will be considered.

As to Riverside Avenue, there would be no need for this crossing if the underpass were opened, it was said. Such was the testimony of the engineers speaking both for the county and for the State Division of Highways. The latter testified that the retention of this crossing would interfere with the freeway plans to such a degree that if it were not closed, he would recommend against construction of the proposed freeway.

Automobile traffic using this crossing is subject to peculiar hazards, it was shown. There, the railroad closely parallels Highway 99 for a short distance. Between the highway and the track, there is room on Riverside Avenue for no more than three or four cars. Whenever the crossing is blocked by train movements, southbound cars turning into Riverside Avenue back up into the highway, thus obstructing through traffic and causing delay and congestion. Cars traveling northbound on Riverside Avenue frequently

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(7) The basis for this settlement was explained by counsel. Under decisions recently rendered by the Commission in the Washington Boulevard and in the Los Feliz Road matters (Decisions Nos. 47,344 and 47,420, respectively), the railroad's contribution here, the county originally contended, should amount to \$67,500, or 50 per cent of the total cost of \$135,000. However, Western Pacific has conceded no greater liability than \$32,000 which, the latter claimed, represents the benefits allegedly flowing to it from the construction of this project. Thus, the railroad and the county were \$35,500 apart in their respective proposals. To compromise this dispute, an agreement has been reached that Western Pacific would assume liability for an additional \$17,750--a sum which represents one-half of the difference between their original proposals, as indicated above. Under this arrangement, Western Pacific's share of the total cost would amount to \$49,750, and the county's share, to \$85,250.



are delayed at this junction because of heavy traffic on Highway 99. Occasionally a driver, if not careful, may find himself trapped on the railroad track. To extricate him, the cars following him must back up.

There would be no public need, it was said, for maintaining the existing crossings at Feather River Boulevard or at Arboga Road. If the underpass is constructed, the distance which those residing south of Feather River Boulevard will be required to travel in order to reach Marysville, will be shortened. Likewise, if the crossing at Arboga Road is closed and a new highway link constructed, as proposed, residents of the vicinity will be closer to Marysville than at present.

At all of these crossings the view is obstructed. This appears from the testimony of the Commission's staff engineer. At Riverside Avenue, where the road crosses the track upon the levee, the driver's view of trains is obstructed in both directions. Here, both trees and billboards accentuate the hazard. At Feather River Boulevard, where the track is elevated upon a fill some 12 to 20 feet above the surrounding ground, the steep grades of approach along the road shut off one's view of cars traveling in the opposite direction. Along Arboga Road, which crosses the railroad at an acute angle, cars must operate almost parallel to the track. To guard against approaching trains, the driver must continually look over his shoulder. Consequently, the crossing is regarded as hazardous.

At all three of these grade crossings, standard No. 1 signs have been installed. In addition, these crossings are protected by advance warning signs.

The train movement over this track was described by the Western Pacific engineer. A survey indicates that during a selected

period in 1952, there was a daily average of 9.42 freight train movements, 3.28 passenger train movements, and 0.28 light engine movements.

The volume of motor vehicle traffic traversing these crossings is substantial, it was shown. The engineer for the State Division of Highways estimated that on the average some 5,000 cars daily would cross the track at Riverside Avenue, in both directions. A traffic check, covering selected 24-hour periods in September 1952, discloses that 4,642 motor vehicles crossed daily at Riverside Avenue; 3,325 at Feather River Boulevard; and 769 at Arboga Road. This tallies closely with the volume of traffic which crossed here during 1950, as revealed by a check made then.

Information regarding the accidents which have occurred at these crossings was supplied by the Commission's engineer. This was based upon the Commission's records, dating back to 1925. At Riverside Avenue there have been five accidents, resulting in three deaths and two injuries; at Feather River Boulevard, four accidents, resulting in six injuries; and at Arboga Road, two accidents, resulting in one injury. With respect to Riverside Avenue, three of these accidents occurred since October 1, 1951. On these occasions two of the persons involved were killed, and two injured.

Similar information was furnished by the engineer for the State Division of Highways regarding the segment of Highway 99 which would be replaced by the proposed freeway. During the five-year period, 1946 to 1950, the accident rate on this three-mile stretch was 7.57 per million vehicle miles. Contemporaneously, the state-wide average was 2.41 per million vehicle miles--a figure comparable to the average for the district embracing this territory, comprising 11 counties. Thus, the accident rate for that portion of the highway

directly involved is three times the average rate throughout the  
(8)  
state.

A commissioner of the Linda Fire District described the difficulties encountered in serving the affected area. The district comprises this area as well as other unincorporated adjacent territory, extending south to the airport. To meet emergencies the district may call upon the county for assistance. The district fire station is located east of the Western Pacific tracks, near the intersection of Highway 99 and Feather River Boulevard. To reach the affected area, fire apparatus must cross the railroad track at Feather River Boulevard; county trucks must also cross at Arboga Road. At times apparatus responding to an alarm has been delayed by passing freight trains which blocked the crossing; on one occasion, loss of life occurring at a fire was attributed to such a delay. The steep approaches at Feather River Boulevard crossing endanger the safety of firemen, tending to throw them from the truck; they also obstruct the view of approaching traffic. An underpass would obviate these hazards.

The closing of Riverside Avenue crossing was opposed by those residing or engaged in business within the affected territory. Generally speaking, this would include the area lying north of the proposed crossroad. As spokesmen for this group, six witnesses were called. Of these, two, who are familiar with the growth and development of the section, had conducted a survey of the homes and business institutions located throughout the area. Four of these witnesses are engaged in business there.

(8) During the five-year period mentioned, 328 accidents, which occurred on the three-mile segment of U. S. Highway 99 described above, were reported to the Division of Highways. Sixteen of those involved were killed, and 190 injured.

The results of this survey were related by the two witnesses who had made the investigation. In general, this covered that portion of Yuba Gardens Tract 8 lying within a triangle bounded on the east by the Western Pacific tracks, on the north and west by the Yuba River levee, and on the south by the proposed crossroad. Residing within this area are 286 families, many of whom own their homes. The total population is estimated at approximately one thousand. The center of population is located a short distance from Riverside Avenue crossing. Thirteen business establishments are situated within this section. (9) There are also two churches and one school.

Many residents of this area travel regularly to and from Marysville or Yuba City to reach their places of employment; others shop there. The majority use their own cars, some ride in taxicabs, and others walk. In so doing, they follow Riverside Avenue and "D" Street Bridge. At present there is no other outlet to the north; if this crossing is closed, these residents will be compelled to use the proposed underpass and freeway. The additional distance (10) thus entailed would vary according to the location of their homes.

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(9) These firms, which were described generally, comprise one super market, four grocery stores, one appliance store, one poultry dressing plant, one plumbing and welding shop, one restaurant, two beer parlors, and two auto courts. The owner of the plumbing and welding shop also rents several cottages, usually to nontransients.

(10) To reach Marysville via the projected underpass, residents of Tract 8 must travel south to the new crossroad, east over the crossroad, and north over the freeway. A witness called by protestants estimated that over this route the trip to Marysville would be approximately one and one-half miles longer than over the existing route, via Riverside Avenue crossing. For those living closer to the crossroad the additional distance might be shorter since they are now obliged to travel several hundred feet to reach Riverside Avenue crossing. The record indicates that the distance over "D" Street Bridge, from its southern end into Marysville, is 2,500 feet. Riverside Avenue crossing is situated about 100 feet from the southern end of "D" Street Bridge.

The closing of this crossing would depreciate the value of their property, some testified. Two owners of unimproved land in Tract 8, now held for subdivision purposes, estimated that in such a contingency their property would lose from one-third to one-half of its value. They attributed this to the inconvenience resulting from the more circuitous route which must then be used. Land situated in this tract, they said, could now be marketed readily because of its proximity to Marysville, it being within walking distance across "D" Street Bridge.

Several business men were apprehensive that substantial (11) loss of revenue would follow the closing of this crossing. The operations of some are quite profitable, it was shown. Their trade is drawn both from the vicinity and from more distant points. Customers now follow established routes, which afford convenient access to their places of business. To close the existing crossing and substitute longer and more circuitous routes through the underpass, it was said, would so incommode customers that present inducements to patronize these establishments might well disappear. As a result, they would face a serious shrinkage in the total volume of their business.

The concentration of traffic over the new crossroad might create new hazards, it was said. The crossroad would funnel into the freeway, through the underpasses, all traffic moving to and from territory lying both north and south of this road. With increasing population, this traffic will grow in size and density. To reach Marysville or Yuba City, cars originating in the northern area must turn left into this road. At important intersections such as

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(11) These witnesses comprised the proprietor of a super market, the operator of an automobile and trailer court, the owner of a group of rental houses (who also operates a plumbing and welding shop), and a poultry dealer.

Garden Avenue, over which much of the north and south bound traffic would flow, the hazard might be intensified.

At times this region has been visited by destructive floods. This subject was first broached on cross-examination of the County engineer. Subsequently, applicant called the County Sheriff, who described the conditions arising from the latest flood. A resident of the area, called by protestants, also described this flood as well as earlier ones.

The most recent flood occurred in November 1950. This was occasioned by a break in the Yuba River levee at Hammonton, about 12 miles upstream from Marysville. Flood water flowed under a trestle in the Western Pacific track, through a natural drain, located near the crossing at Feather River Boulevard. Much of Tract 8, as well as the area extending south as far as Olivehurst, was under water. The northernmost section of Tract 8 was not flooded; this extended southward from the Yuba River levee for a distance of about 250 yards. South of this point, Garden Avenue was submerged. East of the railroad track, Highway 99 was flooded near Linda Corners and was impassable. For several days this territory remained inundated, the water being ten feet deep in places.

To meet this emergency, it became necessary to evacuate the inhabitants of the flooded areas. Residents of Olivehurst were moved out by trains operated over the Western Pacific track. But those living in Tract 8 needed no such assistance. They drove out in their own cars, emerging over Riverside Avenue and "D" Street Bridge. All other routes were blocked by flood water. (12)

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(12) A witness called by protestants, who had participated in the survey described, stated that since 1950 land situated in the southern portion of Tract 8 had declined in value. He attributed this to fear of future floods, which deterred prospective purchasers from building homes there.

The last preceding flood occurred in 1928. This was caused by a break in the Yuba River levee near the point where Feather River Boulevard crosses the levee, southwest of Tract 8. The flooded area was not specifically described; however, the level of the water was only one foot lower than in 1950. Tract 8 then was not so well developed as at present. Severe floods also occurred here during 1907 and 1909; however, no details were supplied.

The construction of an underpass near Riverside Avenue, designed to accommodate pedestrians only, was considered. Applicant conceded that the original grade separation plans did not contemplate such a facility. The engineer for the State Division of Highways, who was recalled by the Commission, testified that a pedestrian crossing at this location would be feasible, particularly if it were of open type and constructed along the face of the levee under the railroad bridge. The cost would be borne by the State. This would furnish a link between Riverside Avenue and "D" Street Bridge. Experience, he said, had shown enclosed pedestrian underpasses to be objectionable. Information supplied subsequent to the hearing, with the parties' consent, indicates that such an underpass could be constructed at a cost of approximately \$11,000. During high water stages in Yuba River, the underpass might be inundated for a brief period, not exceeding five days annually on the average, it was said. To accommodate pedestrians on these occasions, a gate might be installed in the freeway fence on top of the levee through which they could gain access to the bridge. Since this would involve crossing the track at grade, the gate ordinarily would remain locked. The Western Pacific engineer, who also was recalled, testified he had not considered the advisability of establishing such a facility. However, it appears that the railroad would grant the necessary easements if such a structure proved feasible.

In resolving the issues presented here, the Commission must determine whether public safety and convenience would be furthered by the approval of applicant's proposal. These considerations, in turn, must be balanced against any public inconvenience resulting from such action.

The need for installing the proposed underpass was not disputed; only the suitability of its location was questioned. Both the underpass and the new crossroad are necessary adjuncts to the projected freeway, which itself is an important public undertaking. Undeniably, this subway would obviate hazards now confronting the traffic which regularly crosses the railroad track at grade.

Clearly, the location selected for the underpass is both suitable and necessary to carry out the plans of the State Division of Highways for constructing the freeway. To move this location farther north, as suggested by protestants, would interfere seriously with the consummation of these plans. Such a step, we are convinced, would leave insufficient space to construct essential connecting roads between the freeway and both the crossroad and existing Highway 99.

No one objected to closing the existing grade crossings at Feather River Boulevard and Arboga Road. The record discloses no public need for retaining either crossing if the underpass is opened. Each crossing offers definite hazards to traffic. The new highway link would obviate any inconvenience to those living south of the crossroad, which otherwise might ensue if Arboga Road is closed.

The crossing at Riverside Avenue must be regarded as unusually hazardous. The record amply supports this conclusion. Here, the driver's view is obscured, serious congestion frequently occurs, and at times cars may be trapped upon the railroad track.



There can be little doubt that residents of the affected area would experience considerable inconvenience, if this crossing is closed. To reach Marysville they then would be required to travel at most a mile and a half farther, via the underpass, than over the existing route. Automobile drivers probably would not be seriously discommoded. But pedestrians might find it difficult to cover this additional distance.

Business establishments within this area might well suffer some loss of revenue if this crossing is closed. All depend in varying degrees upon trade derived from those located beyond the immediate vicinity. Some attract their patrons from traffic flowing through existing channels. To reach these establishments, customers ordinarily have followed established routes. If longer and more circuitous routes were substituted for those now available, they might choose to go elsewhere. It is difficult, however, to measure the extent of this loss.

Likewise, the substitution of a longer route might tend to depreciate property values. This is true both as to land held for subdivision purposes, and as to business property which might yield lower income than at present.

A pedestrian crossing at Riverside Avenue, constructed under the railroad bridge and along the levee, would serve the convenience of those desiring to walk across "D" Street Bridge. Thus, a measure of the advantage arising from the proximity of this locality to Marysville would be preserved. Probably, this facility would be of little use to customers of local business establishments, who ordinarily would arrive in their cars. Such a structure would be feasible, and could be provided at small additional expense.

The floods caused by breaches in the Yuba River levee, though serious, do not reflect the conditions prevailing normally. In the past they have occurred rarely, at intervals of approximately 20 years. To meet the more frequently recurring situation, when the pedestrian underpass might be flooded for a brief period by high water in the river, a gate could be installed in the freeway fence on top of the levee, as suggested. This would afford ready access to "D" Street Bridge.

Upon full consideration of the record, we conclude that the construction of an underpass under the Western Pacific tracks should be authorized at the proposed location, and that all three of the grade crossings here involved should be closed. In our judgment the demands of public safety, as well as the general public convenience, which would be served by such a course, outweigh the manifest inconvenience to which local residents might be subjected. Since the county and the railroad have agreed upon a formula for allocating the cost of constructing the underpass, it will not be necessary for us to consider that matter here.

A pedestrian underpass, as described above, should be constructed. The State Department of Public Works is willing to install such a facility at its expense, but since it is not a party to this proceeding, the order herein cannot provide directly for the construction of this underpass. However, this can be accomplished expeditiously in a proceeding instituted directly for that purpose. Accordingly, our order will be conditioned upon the filing of such an application, and the issuance of such authority.

#### O R D E R

Investigation having been instituted and application filed as above entitled, a public hearing having been held thereon,

the matter having been duly submitted and the Commission now being fully advised,

IT IS ORDERED:

(1) That the County of Yuba (a political subdivision of the State of California) be and it hereby is authorized to construct a county road at separated grades under the main line railroad track of Western Pacific Railroad Company (a corporation), in Yuba County, at a point located approximately 3,000 feet south of existing grade crossing No. 177.80 at Riverside Avenue, as indicated by and described in Exhibits "A" and "B," respectively, attached to the application filed in Application No. 33312 herein.

The authority herein granted is subject to the following conditions:

- (a) The cost of constructing and maintaining said grade separation shall be borne by and apportioned between the County of Yuba and Western Pacific Railroad Company in accordance with the terms of an agreement entered into between them, a copy of which, together with plans of said crossing at separated grades approved by said parties, shall be filed with the Commission prior to commencing the construction of said crossing. Should said parties fail to agree, the Commission will apportion the cost of construction and maintenance of said crossing by further order.
- (b) The grade separation structure shall be constructed with clearances conforming to the provisions of General Order No. 26-D.
- (c) Within thirty days after the completion of constructing said crossing pursuant to this order, applicant County of Yuba shall so advise the Commission in writing. The authorization granted herein shall lapse if not exercised within two years after the effective date hereof, unless further time is granted by subsequent order.
- (d) The authority herein granted shall not become effective unless and until the Department of Public Works of the State of California shall have obtained from the Commission, upon appropriate application therefor, authority to construct a pedestrian underpass under the railroad track of Western Pacific Railroad Company, along the Yuba River levee adjoining the present location of the existing grade crossing at Riverside Avenue, substantially in conformity with plans previously submitted herein by the Department. Said pedestrian

underpass shall be available for public use contemporaneously with the opening of the highway underpass, hereinabove mentioned, to public use.

(2) That upon completion of the construction of the highway underpass, authorized in paragraph (1) hereof, and contemporaneously with its opening to public use, Western Pacific Railroad Company shall abolish by physical closing the crossings at grade, over its main line railroad track in Yuba County: (a) at Riverside Avenue, said crossing being designated as No. 4-177.8; (b) at Feather River Boulevard, said crossing being designated as No. 4-176.7; and (c) at Arboga Road, said crossing being designated as No. 4-175.7; that in abolishing said grade crossings Western Pacific Railroad Company shall, as to each of them, remove such crossing and its approaches, within the limits of its right of way and erect suitable barriers in such manner as effectively to physically close the crossing to public use and to prevent its use by vehicular or other traffic.

(3) That within sixty days after the effective date hereof, the Board of Supervisors of Yuba County shall file with the Commission a certified copy or copies of appropriate ordinance or ordinances, or resolution or resolutions, duly and regularly passed and adopted, instituting all necessary steps to legally abandon and effectively close to public use the existing public crossings at grade of Riverside Avenue, Feather River Boulevard, and Arboga Road, and each of them, over said main line track of Western Pacific Railroad Company.

(4) That within thirty days after the closing of said grade crossings as provided herein, the applicants County of Yuba

and Western Pacific Railroad Company, respectively, shall so advise the Commission in writing.

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

Dated at San Francisco, California, this 2nd day of March, 1953.

*[Signature]* President  
*Justin F. Calver*  
*Harold Kula*  
*Samuel F. Potter*  
*John L. Mitchell* Commissioners