

**ORIGINAL**Decision No. 57002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF RIVERSIDE,  
 CALIFORNIA, to widen and alter an  
 existing Crossing by Riverside Avenue,  
 a Public Highway, of the Railroad of  
 the LOS ANGELES & SALT LAKE RAILROAD  
 COMPANY and its Lessee UNION PACIFIC  
 RAILROAD COMPANY at said Companies'  
 Crossing No. 3-55.6.

Application No. 40292

Leland J. Thompson, Jr., for applicant.  
Malcolm Davis, for Los Angeles & Salt Lake  
 Railroad Company and the Union Pacific  
 Railroad Company, protestants.  
Howard F. Christenson, for the Commission staff.

O P I N I O N

By this application, filed July 24, 1958, the City of Riverside requests an order authorizing the widening and alteration of a grade crossing, being Crossing No. 3-55.6, located in said city where Riverside Avenue crosses the tracks of the Los Angeles & Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company. Riverside Avenue north of said crossing is presently 60 feet wide and is paved to a width of 39 feet, and extending south from the south side of the crossing it is 86 feet wide and is paved to a width of 56 feet. At the crossing proper Riverside Avenue is 50 feet wide and is paved to a width of 24 feet.

Specifically the authorization sought includes permission to: (a) widen said crossing by 18 feet on each side of Riverside Avenue, now 50 feet wide, to become a crossing 86 feet wide and 43 feet on each side of the center line of Riverside Avenue; (b) construct cement concrete curbs and gutters in both sides of the crossing;

(c) construct a concrete sidewalk 5 feet wide in the east side of the crossing; (d) pave the crossing to a width varying from 56 feet on the south side to 39 feet on the north side, and (e) relocate the crossing signals (Standard No. 8 flashing light signals) and fences.

As justification it is alleged that the public need to be served is the accommodation of vehicular and pedestrian traffic along Riverside Avenue at the crossing which has greatly increased and is increasing by reason of the construction and development within the area served by Riverside Avenue of business and commercial districts, residential subdivisions and numerous residences, the Pachappa Elementary School, and by the routing and rerouting of vehicular traffic with relation to the new North-South Freeway.

Public hearing was held in Riverside on December 4, 1958, before Examiner Rowe at which time evidence was adduced and the matter duly submitted for decision.

From the uncontradicted evidence it appears and the Commission is of the opinion and finds that the public safety and health require that the requested improvements be authorized subject however to a revision of the pavement width at the crossing and the approach northerly thereof. The need for a walkway for the children separate from the area used by vehicular traffic was stressed by a representative of the Parent Teachers Association.

The record shows that the protestant railroads take the position of not opposing the proposed construction and have expressed willingness to bear the full cost of rehabilitating the track structure to receive pavement for the full width of the proposed widened crossing and the cost of placing pavement between lines two feet outside of rails on the area of the existing paved crossing width but

ask to be relieved of the cost of placing pavement between such lines on the portions of the crossing proposed to be widened. Protestants, however, assert that where appropriate protective devices have been installed and the city, as in this instance, wishes to widen the street to accommodate its increased usage, the expense of moving signals should be borne solely by applicant. The Commission is inclined to agree that a mere change in location of adequate protective devices made necessary by increased vehicular and pedestrian traffic should be authorized at applicant's sole expense. This conclusion is in no way inconsistent with the view that a portion of the cost of additional or improved protective devices should be borne by the railroads.

After carefully considering the record in this proceeding it is the Commission's opinion that the city's application to improve this grade crossing should be granted and the expense thereof should be borne upon the basis set forth in the following order.

O R D E R

A public hearing having been held and the matter being now ready for decision,

IT IS ORDERED:

(1) That the City of Riverside is authorized to widen and improve the grade crossing of Riverside Avenue and the tracks of the Los Angeles & Salt Lake Railroad Company and its Lessee, Union Pacific Railroad Company (Crossing No. 3-55.6) as applied for herein, substantially in accordance with the plans attached to the application, subject, however, to the construction of the pavement to a minimum width of 50 feet between the southerly right of way line of the railroad and the easterly prolongation of the southerly line of Elizabeth Street.

(2) That the actual work required to be performed between lines two feet outside of the outside rails and the work of moving and connecting the existing signals shall be performed by protestant railroads, or one of them.

(3) That after completion, the railroads should bear and pay

- (a) The entire expense of improving the existing used crossing between lines two feet outside of the rails.
- (b) The entire expense of preparing the tracks to receive the pavement on the portion of the new crossing outside of the limits of the used crossing and between lines two feet outside of rails.
- (c) Maintenance cost of the entire new crossing between lines two feet outside of rails.
- (d) Maintenance cost of the automatic crossing signals.

The remainder of the expense of constructing and maintaining the proposed widened crossing and its approaches shall be borne by the applicant.

(4) That protestants shall within thirty days thereafter, notify the Commission in writing of the completion of the work hereinabove authorized and of compliance with the conditions hereof.

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

Dated at San Francisco, California, this 27th day of January, 1959.

E. L. Fox President  
W. C. Marshall  
W. H. [unclear]  
Theodore [unclear]  
 Commissioners