

ORIGINAL

Decision No. 59653

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety,
 maintenance, operations, use and
 protection of crossing at grade
 of public road and the tracks of
 The Atchison, Topeka and Santa
 Fe Railway Company at Mile Post
 2-21.0 known as the Harper Lake
 Road, at Helendale, in the
 County of San Bernardino, State
 of California.

Case No. 6355

A. M. Shelton, for The Atchison, Topeka
 and Santa Fe Railway Company, respondent.
William Irl Kennedy, for the Union Pacific
 Railroad Company; George F. Zimmerman,
 for the County of San Bernardino; and
G. R. Mitchell, for the Brotherhood of
 Locomotive Engineers, interested parties.
Elmer J. Sjostrom, for the Commission staff.

O P I N I O N

The Commission, upon its own motion, ordered an investiga-
 tion into the safety, maintenance, operation, use and protection of
 the crossing at grade of The Atchison, Topeka and Santa Fe Railway
 Company tracks and a road used by the public known as Harper Lake
 Road, located in unincorporated territory in San Bernardino County,
 which crossing is designated as Crossing No. 2-21.0. This order,
 dated September 29, 1959, states that it was entered for the follow-
 ing purposes:

1. To determine whether or not all or any part of said cross-
 ing is hazardous to the safety of the public.
2. To determine whether or not public safety, convenience and
 necessity require the abolishment of said crossing by physical clos-
 ing thereof to public use, or require alteration, relocation,

or separation from the tracks of the railroad, or require the installation and maintenance of protective devices.

3. To prescribe the terms and conditions under which any closing, alteration, relocation, separation, or maintenance or installation of protective devices shall be made, and the portion of the expense thereof which shall be allocated between The Atchison, Topeka and Santa Fe Railway Company and the County of San Bernardino.

4. To enter any other order or orders that may be appropriate in the exercise of the Commission's jurisdiction.

Pursuant to the provisions of said order, the Secretary of this Commission caused certified copies thereof to be served upon The Atchison, Topeka and Santa Fe Railway Company, the Board of Supervisors of San Bernardino County, and the Road Commissioner of said county. Also, notice of hearing was given to said parties and to residents who had indicated an interest in the matter or were possible users of the crossing.

A public hearing was held in Barstow on December 15, 1959, before Examiner Kent C. Rogers, at which time evidence, both oral and documentary, was adduced and the matter was submitted for decision.

The Commission staff prepared and introduced into evidence as an exhibit an engineering report describing the crossing and its use by the railroad company and the public, and containing a map showing the location of the crossing and its relation to other crossings, including photographs of the crossing. It also presented a group of photographs of the crossing and vicinity and a large map of the crossing. A traffic check showed that 51 vehicles

used the crossing during a 24-hour period. The Union Pacific Railroad Company has joint use of the tracks with The Atchison, Topeka and Santa Fe Railway Company, and the total average daily train movements across the crossing in October 1959 were 17 passenger trains and 37 freight trains. There are two main line tracks and one siding at the crossing. The maximum allowable train speeds are 90 miles per hour for passenger trains and 60 miles per hour for freight trains. On the siding the maximum allowable speed is 30 miles per hour. If the crossing is closed, the nearest available crossing will be the Jordan Road crossing (Crossing No. 2-22.0) located approximately one mile south.

The staff concluded:

- a. That the Harper Lake Road crossing is hazardous due to the number of tracks, the restricted visibility of high-speed trains coming from the northeast, and the steep grades of approach from the east. In order to make the crossing reasonably safe it will be necessary to install automatic signal protection and redesign the easterly approach to reduce the approach grade to a maximum of six percent.
- b. That the Jordan Road crossing, although narrow and in need of improvement, is less hazardous than the Harper Lake Road crossing. The approach grades at the Jordan Road crossing do not exceed approximately six percent, and the visibility is good in all quadrants.
- c. That there is insufficient local vehicular traffic to justify the improvement and maintenance of the two closely spaced crossings, and it appears that the closing of one of the crossings would not seriously inconvenience any substantial number of persons.

The exhibit concluded with the recommendation that the Harper Lake Road crossing be closed.

A representative of the County of San Bernardino agreed that the crossing is hazardous due to the steep approach grade and poor visibility, and recommended that the crossing be closed and the Jordan Road (also known as Rowland Road) crossing be used.

A spokesman for the State Legislative Board, Brotherhood of Locomotive Engineers, recommended closing the crossing due to the poor visibility and the narrowness and steep angles of approach.

There were no protests.

The Commission finds that the crossing is dangerous in its present condition. The grade of approach from the east is ten percent down to the tracks and six percent up to the tracks from the west. The approaches are 12 to 16 feet in width, and the crossing is 24 feet in width. Passenger trains cross at approximately 90 miles per hour, and visibility from the north is limited due to a sharp curve. The Commission is of the opinion, and finds, that public safety requires that the crossing of Harper Lake Road and The Atchison, Topeka and Santa Fe Railway Company tracks at Mile Post No. 2-21.0 should be closed to all traffic, both vehicular and pedestrian.

O R D E R

An investigation on the Commission's own motion having been instituted, a public hearing thereon having been held, the Commission now being fully advised and basing its decision on the evidence of record,

IT IS ORDERED:

(1) That within thirty days after the effective date hereof, the grade crossing of The Atchison, Topeka and Santa Fe Railway Company tracks at Harper Lake Road in the County of San Bernardino, which crossing is designated as Crossing No. 2-21.0, shall be closed by The Atchison, Topeka and Santa Fe Railway Company to all vehicular and pedestrian traffic by constructing fences or other proper barriers, and the street surface shall be removed from the railroad right of way at the sole cost of said company.

(2) That, within thirty days thereafter, The Atchison, Topeka and Santa Fe Railway Company shall give the Commission written notice of the completion of all said construction and removal and of its compliance with the terms hereof.

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

Dated at San Francisco, California, this 9th day of February, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner..... C. Lyn Fox....., being necessarily absent, did not participate in the disposition of this proceeding.