

Decision No. 60701

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Riverside,)
a political subdivision of the State)
of California, having corporate powers,)
for an order to construct a public)
highway known as Brotherton Street)
across the tracks and right of way of)
the Pacific Electric Railway Company.)

Application No. 42199

Ray T. Sullivan, Jr., County Counsel, and
Gerald J. Geerlings, Deputy County
Counsel, for applicant.
E. D. Yeomans and James W. Obrien, for the
Pacific Electric Railway Company,
protestant.
Walter S. Clayson and George Grover, for
Mrs. Florence McAdam, interested
party.
William F. Hibbard, for the Commission
staff.

O P I N I O N

By the application herein, filed with this Commission on April 28, 1960, the County of Riverside, California, requests an order for the construction of Brotherton Street, at Mile Post 11.48, across the tracks and right of way of the Pacific Electric Railway in said county.

A public hearing on the application was held in Riverside, California, before Examiner Kent C. Rogers on July 21, 1960, evidence was presented and the matter was submitted.

The locale of Brotherton Street is shown on Exhibit A in the application. It is in the County of Riverside approximately 2,000 feet east of the city limits of Corona in the Home Gardens area which is bisected by State Highway 18, known as Magnolia Avenue.

Magnolia Avenue is a divided highway with westbound traffic only on the north roadway and eastbound traffic only on the south roadway. It extends from the City of Riverside into the City of Corona and beyond as State Route 18 to Los Angeles County.

Pacific Electric Railway Company's single line of track is in the unimproved center portion of the highway in a 60-foot wide right of way. The company operates two trains per day over this line, one eastbound between 3:30 a.m. and 6 a.m.; and one westbound at approximately 12 midnight. The trains consist of from an engine and caboose only, to an engine, caboose, and 15 cars, and the speed is limited to 20 miles per hour.

The Home Gardens area is bounded by the Santa Fe Railway right of way approximately 1200 feet to 1500 feet north of Magnolia Avenue, Temescal Street on the west, Indiana Avenue on the south, and Grant Street and Truman Street on the east (Exhibit No. 2). Indiana Avenue on the south does not extend beyond the limits of the Home Gardens area on the east or west. Between the Santa Fe right of way and Magnolia Avenue there is only one east-west street known as Estelle Street. Temescal Street and Moody Street, the two most westerly north-south streets in the area, extend from the Santa Fe right of way on the north to Magnolia Avenue only. The north-south streets, starting on the west, are Temescal, Moody, Neece, Blair, Ellis, Byron, Brotherton, Davidson and Grant Streets. Of these streets Temescal, Neece, Byron and Grant have crossings at grade over the Pacific Electric Railway tracks. The grade crossings are slightly less than one fifth of a mile apart, and the north-south streets themselves are not to exceed 330 feet from center to center apart.

The Home Gardens area contains approximately 500 homes and businesses and there are 37 homes on Brotherton Street north of

Magnolia Avenue. The Home Gardens Elementary School is located in the area bounded by Brotherton Street, Tolton Avenue, Grant Street, and Indiana Street. This area is south of Magnolia Avenue. A pedestrian walkway crossing 6W-11.48-D has been constructed across the Pacific Electric Railway right of way in line with Brotherton Street, and pedestrian crossing lanes have been painted across both the north and south roadways of Magnolia Avenue at the west side of Brotherton Street. During the school sessions there is a crossing guard on duty to conduct children across the two roadways of Magnolia Avenue and across the right of way. The guard has been at this intersection for 12 years and there have been no injuries to children at said crossing during this period.

Byron Street, the first street west of Brotherton, and approximately 330 feet therefrom, crosses the right of way at grade.

At present the Riverside Freeway extends from the City of Riverside to a point 12,000 feet east of the Home Gardens area, at which point the freeway traffic is required to use Magnolia Avenue between said point and Corona. It is expected that this freeway will be completed through to Corona in April 1961. The proposed route of this freeway is shown on Exhibit No. 2 herein.

Magnolia Avenue is posted for a speed of 35 miles per hour through the Home Gardens area. The record shows, however, that the average speed on the north side of the highway is 42 miles per hour and on the south side is 47 miles per hour. The number of vehicles using Magnolia Avenue during a 24-hour period on July 19 and 20, 1960, was approximately 19,000. When the freeway is completed it is expected that the number of vehicles using Magnolia Avenue will drop to 9,000 or 10,000 per day. On the same day that the traffic was checked on Magnolia Avenue, 540 vehicles used Brotherton Street

south of Magnolia Avenue and 290 vehicles used Brotherton Street north of Magnolia Avenue. No check was made of the origin and destination of these vehicles. On the same day 1701 vehicles used Byron Street and 1039 vehicles used Grant Street. There was also no check of the origin and destination of these vehicles.

Exhibit A on the application shows the plans of the crossing as proposed by the council. These plans show a grade of 14.28 per cent on the north and 1.82 per cent on the south.

The supervisor whose district includes the Home Gardens area testified that the County of Riverside desires and needs the additional crossing; that the lack of new business in the area is partially attributable to the lack of crossings; that plans are under way for the development of the area south of Magnolia Avenue and east of Grant Street. He also said that it is planned to develop the hills south of Indiana Street.

A Riverside County engineer testified that traffic from Brotherton Street, attempting to cross the track at Byron Street, must cross two lanes of traffic and make a left-hand turn across the track. This movement is dangerous, he said, as there is no left-hand turning lane and that rear-end collisions are likely to occur. He said that Magnolia Avenue is a State highway; that when the freeway is completed it will become a County highway; and that the County of Riverside has no objection to the making of a grade crossing at Brotherton Street.

The former principal of the Home Gardens Elementary School said that in her opinion there was a need for the crossing for the safety of the children, but admitted that in 12 years there had been no accident involving children at the crossing.

The secretary of the Home Gardens Women's Club testified that the club had tried for several years to secure a crossing at Brotherton Street which, in her opinion, is needed for the safety of the school children.

The owner of a motel, located on the corner of Brotherton Street and Magnolia Avenue, south of Magnolia, favored the crossing inasmuch as her prospective patrons coming from the east must go one block past her place of business to Byron and cross the street and return. As a result, she said, many prospective customers do not stop. She purchased the motel approximately 2½ years ago and at that time there was no crossing at Brotherton Street.

The president of the Home Gardens Sanitary District testified that he resides in the area north of Magnolia Avenue and has a place of business south of Magnolia near Brotherton Street. He testified that there are single homes situated in most of the area, but that the area can be developed for multiple residential occupancy; that the area is growing; and that therefore the crossing should be established as proposed.

The Pacific Electric Railway objects to the establishment of the crossing on the ground that it is unneeded and its witness stated that it is not willing to bear any share of the cost of a crossing, if authorized, and that the crossing protection costs should be borne by the County. The reason for this, its witness said, is that there is no benefit to the railway by the establishment of a new crossing. He said that a crossing by a public street over the rails always creates an additional hazard and would do so in this case without any benefit to the railroad.

A Commission engineer who investigated the matter and described the conditions in the area stated that the principal

benefit of opening the crossing would be to persons on Brotherton Street north of Magnolia Avenue; that in this area there are 22 residences between Estelle Street and Magnolia Avenue in which there are approximately 72 people; and that these people, in order to cross Magnolia Street, can very easily go to Estelle and down Byron, or to Estelle and down Grant Street and over the railway, or they can also come directly south on Brotherton to Magnolia Avenue and travel 330 feet west to Byron Street. He recommended that the application be denied or that if the application is granted the profile be changed to require a reasonable grade of approach.

There would appear to be a fatal defect in the presentation of the application. There is no showing here that any person actually desires to go across the track at Brotherton Street. While numerous people each day use Brotherton Street north of the tracks or south of the tracks, their destination was not shown. The next crossing west of Brotherton Street is approximately 330 feet distant therefrom and is a grade crossing. There is no showing that public convenience and necessity require that the crossing be established.¹ For that reason this application will be denied. When, as, and if additional homes or buildings are constructed either north or south of the track, there is a real public need for additional crossings, and the evidence shows that there is such a public need, then a new application may be filed and the Commission will then consider the matter. In view of the fact that there is no showing that public convenience and necessity require that the application be granted, it will be denied.

¹ It is clearly the Commission's duty to prevent the construction of unnecessary grade crossings.

O R D E R

An application having been filed, a public hearing having been held thereon, the Commission having found that public convenience and necessity do not show that the crossing, as requested, is required, and based upon said findings,

IT IS ORDERED that the application be and the same is hereby denied.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1960.

Ernest R. Deery
President
W. H. [Signature]
W. H. [Signature]
E. [Signature]

Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.