

ORIGINAL

Decision No. 61178

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of THE CITY OF INDIO, a
municipal corporation, to construct
a crossing at grade, to wit: Arabia
Street, a public street, across the
railroad right of way of the SOUTHERN
PACIFIC COMPANY.

Application No. 40644

C. F. Woolpert, City Attorney, and Thos. E. Selman,
City Manager, City of Indio, for applicant.
Randolph Karr, E. D. Yeomans and James W. Obrien,
Attorneys, for Southern Pacific Company, protestant.
C. A. Washburn for Indio Chamber of Commerce,
interested party.
Lloyd C. Young for the Commission's staff.

O P I N I O N

The City of Indio, Riverside County, seeks authority to construct Arabia Street at grade across two main line tracks and two sidings or manifest tracks of the Southern Pacific Company. Public hearings were held at Indio on April 27 and 28, and at Los Angeles on June 30, 1960, before Examiner Mark V. Chiesa, at which time oral and documentary evidence was received and the matter was duly submitted.

Applicant and the protestant railroad were permitted to file briefs on or before thirty days after receipt of the transcript of the proceedings. The city having notified the Commission in writing that it did not propose to file a brief and protestant having filed its brief on August 22, 1960, the matter is ready for decision.

Upon the evidence of record the Commission makes its findings of fact and conclusions as follows:

The City of Indio is situated approximately 129 rail miles easterly of Los Angeles on the main line of protestant's Los Angeles Division. It has an area of five and one-half square miles and a population of approximately 9100. The city area is rectangular in shape, two miles wide between its east and west boundaries and two and three-quarter miles between its north to south boundaries. Protestant's right of way practically bisects the city in a northwesterly-southeasterly direction. U. S. Highways Nos. 60, 70, 99 (they compose one highway through Indio) parallel protestant's right of way on the south and are contiguous therewith so that a crossing of the railroad tracks would require a crossing of, an entrance upon, or an exit from, the highway. The principal business and residential areas are situated within approximately two square miles in the west-central portion of the city. At present there is a residential and business section south of said tracks and highway and north thereof there is a residential area and a partially developed industrial and commercial area.

Motor vehicle travel between the north and south portions of the city is by way of two crossings at grade, one at Monroe Street, which is the westerly city limits, and one at Jackson Street, which runs north and south through the center of the business section. Said crossings are one and two-tenths (1.2) miles distant. The proposed Arabia Street crossing is approximately midway of said two crossings and approximately in the center of the city's present developed area. Immediately north of the proposed Arabia Street crossing and contiguous with

the northerly boundary of protestant's right of way there is an undeveloped triangular area of approximately 115 acres without streets. The record shows that approximately one-half of the population resides north of the tracks and that approximately 89 percent of the business establishments are located in a one-half square mile triangular area south of the railroad right of way and highway in the vicinity of the Jackson Street crossing. Although the Jackson Street crossing is the one used by a large majority of the motorists, the Monroe Street crossing conveniently serves the western portion of the residential area north of the tracks, and the record shows that the latter crossing can accommodate considerably more traffic with safety and with fewer delays than occur at Jackson Street.

Protestant's rail yard limits at Indio extend from a point two miles west of the Monroe Street crossing to a point approximately two miles east of the Jackson Street crossing, or a distance of approximately five miles. The main yard is located immediately east of the Jackson Street crossing where a station, freight building, small emergency hospital, pump house, and crew and dispatching building are located. In this area there are also located other facilities and numerous tracks used for switching, storing of cars, and the assembling of trains.

In this application we are primarily concerned with that portion of protestant's yard which lies between Monroe Street and Jackson Street. The proposed Arabia Street crossing would practically bisect this portion of protestant's yard and would cross over two main line tracks and two sidings or manifest tracks

including a switch linking the south main line track with the south siding. The north siding parallels the north main line track. Said tracks are used for switching operations and for storage of cars, and they also provide access to nearby plants.

The protection devices at the Jackson Street crossing consist of two Standard No. 1 crossing signs, one Railroad Advance Warning sign, and two overhead Mercury Vapor lights. There are also two boulevard stop signs at Highway 60-70-99. At Monroe Street the crossing protection consists of two Standard No. 8 flashing light signals and one Railroad Advance Warning sign and two boulevard stop signs at the highway.

The record shows that the City of Indio proposes to construct a right-angle crossing at Arabia Street at uniform grade over the four tracks, relocate present facilities, provide necessary protection devices including highway turnouts and relocate present highway barriers. Four moving lanes, two in each direction, twelve feet in width, and two eight-foot crosswalks are proposed for that portion of Arabia Street across the right of way. North of the right of way the street would consist of six lanes. At present Arabia Street south of the highway is only a two-lane street. It was estimated that the costs of the crossing and highway improvements would be between \$102,000 and \$113,800 not including cost of improvement of that portion of Arabia Street south of the highway. At the time of the hearing the city had not allocated funds for the proposed crossing and related improvements. The parties are not in agreement as to apportionment of costs as the protestant is not willing to assume any of the costs.

The city represents that it is willing to advance the money necessary to enable the protestant to complete the work in connection with said grade crossing.

The evidence shows that regular train movements through Indio consist of an average of approximately ten freight trains and two passenger trains in each direction per day. All of these trains cross Monroe Street, proposed Arabia Street and Jackson Street. There are also some switching movements that cross Jackson Street and would cross Arabia Street, which usually do not occur at peak traffic hours. Applicant's city manager testified that a twenty-four hour check made in October of 1959 disclosed that the total time the Jackson Street crossing was closed due to 27 train movements was two hours and 3 minutes, or an average of approximately 4-1/2 minutes per train. The evidence shows that three or four trains per day in each direction pass through Indio during the peak traffic periods of 7:30 a.m. to 9 a.m.; 12 noon to 2 p.m.; and 4:30 p.m. to 6 p.m.

All eastbound freight trains stop at and west of Jackson Street for a change of engine crews and then proceed to the east yard for a change of train crews and to test brakes. At least seven of said trains per day would block the proposed Arabia Street crossing while stopped at Jackson Street, and two of said stops would occur during peak traffic periods. Westbound trains stop or are assembled in the yard east of Jackson and rarely block that crossing. However, any westbound train may be stopped by a so-called "absolute" signal at Monroe Street, which signal is controlled by a dispatcher at Los Angeles. This stop

becomes necessary at times when a train is moving eastward along the single track west of the Indio yard limits. At least half of the trains stopping for this signal would block the proposed Arabia Street crossing as there is space for not more than 67 rail cars, including the engines, between Monroe Street and Arabia Street. Maximum speed of westbound trains at Arabia Street is 70 m.p.h. for passenger trains and 60 m.p.h. for freight trains, although the actual speed at this point is much slower. The maximum speed for eastbound trains in the vicinity of Arabia Street is 30 m.p.h. Due to time consumed by the changing of engine crews while the eastbound freight trains are stopped at Jackson Street the Arabia Street crossing would be blocked at least 5 minutes longer than the Jackson Street crossing, that is, the time it takes the train to pass said crossings plus the added period required by the crews. When westbound trains are stopped at the Monroe Street "absolute" signal the delay is indeterminable so that it would be impracticable to cut the train at Arabia Street pending a change of signal.

There is no substantial evidence of record which would support a finding that the present crossings do not provide for a reasonably adequate movement of motor vehicles between the north and south portions of the city, nor that the establishment of an additional crossing at Arabia Street would be anything more than an unsatisfactory partial solution of the crossing problem which the city is seeking to improve. The delay and blocking of Arabia Street by trains in both directions would create a more serious problem than the present one at Jackson Street. Considering the

limited number of train movements at peak traffic periods, the average time motorists are delayed, and the attendant hazards of an additional grade crossing which is contiguous to a major highway it does not appear that applicant's request is justified or desirable.^{1/} At present there is no emergency requiring this crossing. However, it is apparent from the record that the future growth of the city will require an improvement over and above the present crossing facilities and that which would be forthcoming from the crossing as herein proposed.

Having considered the record the Commission is of the opinion and finds that the construction of a grade crossing at Arabia Street has not been justified and therefore the application will be denied.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises, having found facts and having concluded as hereinabove set forth, and good cause appearing,

^{1/} Since January 1955, there have been five train-vehicle accidents at Jackson Street and three at Monroe Street with no deaths or injuries.

IT IS ORDERED that Application No. 40644 be, and it hereby is, denied.

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

Dated at San Francisco, California, this 13th day of December, 1960.

Garrett H. Page
President
W. H. H. H. H.
W. H. H. H. H.
W. H. H. H. H.
Theodore Deemer
Commissioners