

ORIGINAL

Decision No. 61271

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into the safety, maintenance, operations, use and protection of DeBerry Street crossing at grade over the tracks of The Atchison, Topeka & Santa Fe Railway Company in San Bernardino County, being Crossing No. 2B-5.6.

Case No. 6528

Elinore Charles, for the Commission staff.

R. L. Brown; Frank B. Hungerford; Eugene T. Anderegg; S. B. Lash; William D. Kerrick; George E. Hubbs and Dorothy M. Larson, for Hubbs Bros., protestants.

Robert W. Walker and Matthew H. Witteman, by Matthew H. Witteman, for The Atchison, Topeka & Santa Fe Railway Company; G. R. Mitchell, for Brotherhood of Locomotive Engineers; George P. Zimmerman, for the County of San Bernardino; Charles A. Lewis, for Order of Railway Conductors and Brakemen, interested parties.

O P I N I O N

The above-entitled matter is an investigation on the Commission's own motion into the safety, maintenance, operation, use and protection of the DeBerry Street crossing, in San Bernardino County, of the tracks of The Atchison, Topeka & Santa Fe Railway Company described as Crossing No. 2B-5.6.

A public hearing on the matter was held in San Bernardino, California, before Examiner Kent C. Rogers on November 16, 1960. Owners of property along DeBerry Street and parties using the street appeared as protestants.

The crossing is in San Bernardino County between Colton and Riverside approximately 2.5 miles south of I Street in Colton and

4.2 miles north of 7th Street in Riverside. DeBerry Street extends for 1325 feet between La Cadena Drive and the frontage road along the west side of the Riverside Freeway (U.S. Highways Nos. 91 and 395 and State Route No. 18). DeBerry Street crosses the tracks of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) at grade at a point 285 feet east of La Cadena Drive. Access to the Riverside Freeway from DeBerry Street is available at Barton Road 1730 feet northeast of DeBerry Street, and near La Cadena Drive and Iowa Avenue 0.7 mile south of DeBerry Street.

Barton Road is a principal east-west road with a full interchange at the Riverside Freeway and with grade separations over the tracks of the Santa Fe and the parallel tracks of the Southern Pacific Company (not involved herein) between La Cadena Drive and the frontage road on the west side of the freeway.

At the DeBerry Street crossing of the Santa Fe there are two mainline tracks. Trains operating toward Colton run on the east track and those operating toward Riverside run on the west track. Freight and passenger trains of both the Santa Fe and the Union Pacific Railroad Company are operated over the tracks.

The street at the crossing is approximately 22 feet wide and approaches to the crossing are from 16 feet to 18 feet wide. The crossing is rough due to the rails on the east track being approximately $1\frac{1}{2}$ inches below the level of the paving.

The maximum grade of approach for eastbound vehicles is 2% down to the tracks and for westbound vehicles is 6% down to the tracks.

Sight distances at the crossing are as follows:

	SIGHT DISTANCES	
	(measured from center of street)	
	Looking to the NORTH of DeBerry Street	Looking to the SOUTH of DeBerry Street
<u>From Points EAST of Track at Distances Indicated Below</u>		
100 ft. from nearest track	38 ft.	30 ft.
50 ft. " " "	115 ft.	65 ft.
25 ft. " " "	980 ft.	250 ft.
<u>From Points WEST of Track at Distances Indicated Below</u>		
100 ft. from nearest track	165 ft.	65 ft.
50 ft. " " "	165 ft.	315 ft.
25 ft. " " "	2000 ft.	2500 ft.

Protection at the crossing consists of two reflectorized Standard No. 1 signs, two advance warning signs, and a No. 3 wigwag in the northeast quadrant with a "2 tracks" sign.

Vehicular checks by the San Bernardino County Traffic Committee showed 185 vehicles per day using the crossing in 1958, prior to the closure of DeBerry Street by the Riverside Freeway, and only 50 vehicles per day using the street in 1960 thereafter.

A 12-hour traffic check by the staff between the hours of 7:00 A.M. to 7:00 P.M. on July 7-8, 1960, showed a total of 49 vehicles using the crossing.

Train movements over the crossing on July 7, 1960, were as follows:

<u>Railroad</u>	Number of Trains		<u>Total</u>
	<u>Passenger</u>	<u>Freight</u>	
The Atchison, Topeka & Santa Fe Railway Company	5	36	41
Union Pacific Railroad Company	10	15	25
Total	15	51	66

The record shows that several times a day trains move over the crossing, followed shortly thereafter, or at about the same time, by a train in the opposite direction raising the hazard of the type of accident in which a motorist waits for a train in one direction and proceeds forward to be struck by a train from the opposite direction.

The maximum allowable speed for trains at the crossing is 75 miles per hour for passenger trains and 60 miles per hour for freight trains, but the record shows that such maximum speeds are seldom attained.

The only recorded accidents at the crossing were one on February 24, 1931, when one person was killed and no person was injured, and one on July 13, 1957, when there were no injuries and no deaths.

At present, between Colton and Riverside there are 19 crossings of the Santa Fe, of which six are at separated grades, ten are, or have been ordered to be, protected by manual or automatic crossing gates, one is protected by No. 8 flashing lights and two, including the DeBerry Street crossing, are protected by No. 3 wigwags.

In the opinion of the staff, satisfactory protection at the crossing would be afforded by automatic crossing gates at an estimated cost of \$23,800.

The staff report recommended that the crossing be closed because of the motorists' restricted visibility of high speed trains in all four quadrants, the 6% grade of approach from the east and the two-track operation with multiple-train accident hazard. It also stated that the installation of automatic crossing gates was not warranted by the number of vehicles using the crossing.

A locomotive engineer operating trains for the Santa Fe over the line involved testified that visibility at the crossing is very limited and that inasmuch as the crossing is in a cut, any wreck would result in a concentration of damages and that the crossing is extremely hazardous to train crews and to the public. He said that while the accident record does not appear bad, there have been very many near-misses at the crossing.

The Assistant Road Commissioner of San Bernardino County testified that the cost of the crossing gates, as recommended by the staff, would be in addition to \$10,000 to \$20,000 of other expenses, including such items as reducing the grade of approach and widening the road, and the securing of the right-of-way necessary therefor.

Owners of property along DeBerry Street and businessmen using DeBerry Street for various purposes protested the closing of the street. These parties were of the opinion that closing of DeBerry Street at the Santa Fe right-of-way would reduce the value of their properties and cause them to travel unnecessarily long distances. In addition, one of the owners residing on the east end of DeBerry Street felt that his property would be valueless. Hubb Bros., partners, having a place of business on DeBerry Street east of the Santa Fe right-of-way, complained that they could not get their heavy equipment in and out of their place of business inasmuch as the access bridges on alternate routes, in their opinion, would not carry the weight of their equipment. However, representatives for both the State Highway Engineer and the County Highway Engineer testified that bridges over the freeway and bridges on the county road in the vicinity would carry the equipment. The only proviso was that in either event these people would be required to secure a special permit before using either of these streets or the bridges in the vicinity.

Upon the evidence of record herein, the Commission is of the opinion and finds that public safety requires that Crossing No. 2B-5.6 be closed to all vehicular traffic.

O R D E R

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

IT IS ORDERED:

1. That within sixty days from the effective date of this order the grade crossing of The Atchison, Topeka & Santa Fe Railway tracks at DeBerry Street, Crossing No. 2B-5.6, in the County of San Bernardino, shall be closed by The Atchison, Topeka & Santa Fe Railway Company to all vehicular traffic by constructing fences or other proper barriers and that the street surface shall be removed from the right-of-way at the sole cost of said company.

2. Within thirty days of such closure The Atchison, Topeka & Santa Fe Railway Company shall notify the Commission in writing thereof.

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

Dated at San Francisco, California, this 28th day of DECEMBER, 1960.

President

Commissioners