

ORIGINAL

Decision No. 70064

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the manner and point of crossing, terms of installation, operation, maintenance, use and protection of proposed crossings of the tracks of Southern Pacific Company between Mile Post 414.3 in the City of Palmdale, and Mile Post 492.7 in the City of San Bernardino, California, on their new Palmdale-Colton cutoff in Los Angeles and San Bernardino Counties.

Case No. 8214
(Filed June 29, 1965)

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a main line railroad track in, upon and across Avenue "S" in the City of Palmdale and County of Los Angeles; and 90th Street East, Avenue "T", and Palmdale-Victorville Road in the County of Los Angeles, State of California.

Application No. 47510
(Filed April 16, 1965)

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across public streets in the County of Los Angeles, State of California, by means of a grade separation at 25th Street East, and by means of grade crossings at 40th Street East, 44th Street East, 47th Street East, 92nd Street East, 96th Street East, 98th Street East, 106th Street East, 116th Street East, 165th Street East, and Black Butte Basin Road, and the closing or relocation of Harold Palmdale Road and 37th Street East.

Application No. 47511
(Filed April 16, 1965)

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A. 47636, A. 47644 & A. 47671 - BR

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing the construction at grade of a main line railroad track in, upon and across County Line Road, County of Los Angeles and County of San Bernardino, State of California.

Application No. 47514
(Filed April 19, 1965)

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across public streets in the County of San Bernardino, State of California, by means of grade crossings at Oasis Road, Beekley Road, Sheep Creek Road, Johnson Road, Duncan Road, Wilson Ranch Road, Caughlin Road, Phelan Road, Baldy Mesa Road, Rancho Road, Swarthout Canyon Road, Devore Road, Verdemon Ranch Road, Dump Site Road, and Institution Road, and the closing of Goss Road, White Road, and Glen Helen Road.

Application No. 47544
(Filed April 30, 1965)

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across certain State Highways in the State of California, by means of grade separations at State Highway No. 138 (Fort Tejon Road), Interstate Highway No. 15 (West Hesperia), and Interstate Highway No. 15 (North Alray); by means of a grade crossing at State Highway No. 138 (Cajon); and by means of grade separations at State Highway No. 30 (Highland Avenue), State Highway No. 66 (Foothill Boulevard), and Interstate Highway No. 10 (San Bernardino Freeway).

Application No. 47621
(Filed May 26, 1965)

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A. 47636, A. 47644 & A. 47671 - BR

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across public streets in the County of San Bernardino, State of California, by means of grade separations at Base Line Road and Valley Boulevard.

Application No. 47636
(Filed June 2, 1965)

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across public streets in the City of San Bernardino, State of California, by means of grade separations at Arrow Route and Merrill Avenue, the closing of Terrace Road, and the extension of Macy Street.

Application No. 47644
(Filed June 3, 1965)

In the Matter of the Application of Southern Pacific Company for an order authorizing the construction of a main line railroad track across public streets in the City of Colton and the County of San Bernardino State of California, by means of grade separations at Olive Street and "C" Street.

Application No. 47671
(Filed June 14, 1965)

Appearances are listed in
Appendix A.

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INTERIM OPINION

By the above-listed applications and Application No. 45589 heretofore considered by this Commission (Decision No. 69865, dated October 26, 1965), the Southern Pacific Company (applicant) seeks authority to make 53 crossings of highways and streets between Palmdale in Los Angeles County, and San Bernardino and Colton in San Bernardino County. Decision No. 69865 authorized applicant to construct one crossing at separated grades under Sierra Highway and one crossing at grade at 10th Street East, both in the City of Palmdale. All of said crossings, including the two authorized, are of existing streets and highways (one is a private crossing of a cemetery road) by applicant's Palmdale-Colton Cutoff (Cutoff), the construction of which has been authorized by the Interstate Commerce Commission (Exhibit 1).

Decision No. 69865 outlines the applicant's proposal concerning the Cutoff, and the entire Cutoff including all crossings is depicted on Exhibit 2 herein.

Applicant asks that approximately 15 of the total crossings be at separated grades. Seventeen of the proposed crossings, in addition to the crossings considered by Decision No. 69865, are in Los Angeles County and one is on the line between Los Angeles County and San Bernardino County. None of the Los Angeles County crossings are considered herein. Several of the crossings involve State highway grade separations and are not considered in this interim opinion. The remaining

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crossings considered herein were proposed by the applicant as grade crossings with two or three exceptions in the Cities of San Bernardino and Colton.

Case No. 8214 is an investigation into the manner and point of crossing, terms of installation, operation, maintenance, use and protection of the applicant's proposed crossings on the Cutoff. Evidence by the staff relative to crossings in Los Angeles County was presented at the hearings but counsel for the Commission requested permission to amend the order of investigation to specifically include The Atchison, Topeka and Santa Fe Railway Company as respondent. An amended Order Instituting Investigation (Case No. 8302) was issued November 10, 1965.

After notice to all affected parties all matters listed in the heading at the beginning of this opinion were consolidated for hearings and hearings were held in Los Angeles before Examiner Rogers on October 13, 14 and 15, 1965. On October 15, 1965, the matters were submitted as to all proposed crossings wholly in San Bernardino County including those in the Cities of Colton and San Bernardino except separated grade crossings at:

Mile Post 457.8 - Interstate 15	Application No. 47621
Mile Post 467.2 - Interstate 15	" "
Mile Post 469.2 - State Highway 138	" "
Mile Post 487.1 - Highland Avenue	" "
Mile Post 489.4 - Foothill Boulevard	" "
Mile Post 492.1 - Interstate 10	" "

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At the request of the parties, also excluded from the decision herein are the crossing at Mile Post 490.0 (Arrow Route) in the City of San Bernardino (Application No. 47644) and the crossing at Mile Post 492.06 (Valley Boulevard) in the County of San Bernardino (Application No. 47636).

Additional days of hearing concerning the crossings in Los Angeles County, crossings in the City of Palmdale and the excluded crossings were scheduled commencing on November 23, 1965.

At each of the crossings herein considered the applicant will pay all costs of construction and protection if the construction and protection are pursuant to the applicant's proposals. The applicant has acquired most of the land required for the Cutoff and is desirous of commencing work at the earliest possible time.

The applicant's determinations of pertinent information and its proposed protection relative to each of the herein considered crossings are outlined on exhibits herein which have been considered by this Commission.

A representative for the Phelan Chamber of Commerce, without testifying, urged that the Commission require separations of grades at Sheep Creek Road (Mile Post 446.5), (Exhibit 38) and at Phelan Road (Mile Post 453.7), (Exhibit 45). He stated that the school buses transport approximately 232 school children per day in each direction over these crossings. He stated that this request is joined in by the Wrightwood and Pinon Hills Chambers of Commerce.

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A San Bernardino County Engineer presented evidence relative to the County's recommendations at each crossing.

He testified that if Goss Road (Mile Post 450.0), White Road (Mile Post 453.5), and Glen Helen Road (Mile Post 479.2) are relocated as proposed by applicant the County will require the dedication to the County of not less than 40-foot wide rights of way and improvements of 26-foot wide traveled highways within said rights of way and that if such dedications and improvements are made the County will take appropriate action to abandon those portions of said roads within the Railroad's right of way.

With relation to Oasis Road (Mile Post 442.3), Beekley Road (Mile Post 445.4), Johnson Road (Mile Post 447.7), Duncan Road (Mile Post 447.9), Wilson Ranch Road (Mile Post 449.8), Caughlin Road (Mile Post 452.1), Baldy Mesa Road (Mile Post 454.8), Rancho Road (Mile Post 458.6), Swarthout Canyon Road (Mile Post 474.2) and Verdemont Ranch Road (Mile Post 482.0), the County concurs with the applicant's plans except that it desires that the applicant install asphaltic concrete pavement 26 feet wide and extending 350 feet on each side of the applicant's tracks to provide appropriate surfaces upon which the County can place and maintain center line striping, stop bars and pavement markings to act as advance warnings to motorists.

The County also recommended that automatic gates be installed at the applicant's expense on Sheep Creek Road (Mile Post 446.5), inasmuch as it is a connecting link between State Highway 138 and the Palmdale-Victorville Road. Evidence indicates an average daily traffic of 40.

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The County also requested that the applicant be required to acquire rights of way and improve Olive Street (Mile Post 491.5) and "C" Street (Mile Post 491.7) from the grade separation facilities to Jackson Street, the next intersecting street easterly, to current County Master Plan of Highways standards.

Findings

The Commission finds that:

1. The factual findings relative to the Palmdale-Colton Cutoff contained in Decision No. 69865, dated October 26, 1965, in Application No. 45589, are adopted by reference and made a part of the findings herein insofar as pertinent.

2. The proposed crossings herein considered are all situated within the County of San Bernardino, some being in the City of Colton and some being in the City of San Bernardino. Each of the crossings referred to is a new crossing of existing streets or highways by the Palmdale-Colton Cutoff. The Interstate Commerce Commission has authorized the construction of said Cutoff.

3. Public convenience and necessity require that each of the crossings herein authorized be constructed under the terms and conditions contained in the order herein. The Atchison, Topeka and Santa Fe Railway Company has agreed to maintain the improved protection north of its line of track at Devore Road herein ordered.

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4. The closing of certain street or highway crossings as requested by the applicant and specified in the order herein will not be adverse to the public interest.

5. Public convenience and necessity require that applicant provide asphaltic concrete paving at each grade crossing approach extending for the full width of the railroad right-of-way.

6. All separated grade structures and approaches specified herein should be constructed pursuant to agreements between the parties concerned.

Conclusion

The Commission concludes that applicant should be authorized to construct each of the crossings under the terms and conditions set forth in the order herein, subject to the conditions specified in said order, and that certain crossing sites should be closed as specified in the order herein.

INTERIM ORDER

IT IS ORDERED that:

1. Southern Pacific Company is hereby authorized to construct a line of track at grade across the streets and highways specified herein, the crossings to be identified by the crossing numbers specified and subject to the conditions set forth at each crossing. Construction and protection shall be as specified at each of said crossings.

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Oasis Road (Crossing No. BB 442.3)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Beckley Road (Crossing No. BB 445.4)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Sheep Creek Road (Crossing No. BB 446.5)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Johnson Road (Crossing No. BB 447.7)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 1 percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Duncan Road (Crossing No. BB 447.9)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 3.5 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Wilson Ranch Road (Crossing No. BB 449.8)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 2 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

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Goss Road (MP 450.0)

Applicant is authorized to close this road across its right of way and construct a road parallel to its right of way and on the north side thereof at the location shown on the plan attached to Exhibit 41 herein (Wilson Ranch Road).

Caughlin Road (Crossing No. BB 452.1)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 2.5 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

White Road (MP 453.5)

Applicant is authorized to close this road across applicant's right of way and construct a road parallel to its right of way and on the north side thereof at the location shown on the plan attached to Exhibit 45 herein (Phelan Road).

Phelan Road (Crossing No. BB 453.7)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic crossing gates.

Baldy Mesa Road (Crossing No. BB 454.8)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 4 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Ranchero Road (Crossing No. BB 458.6)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 2 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

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Swarthout Canyon Road (Crossing No. BB 474.2)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 5 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 1 crossing signs (General Order No. 75-B) with reflex-reflective sheet material.

Glen Helen Road (Crossing BB 479.2)

Applicant is authorized to close said crossing to public use provided it is equipped with locked gates as proposed by the applicant.

Devore Road (Crossing No. BB 480.1)

Construction at said crossing shall be equal or superior to Standard No. 2 of General Order No. 72 with grades of approach not exceeding 2 per cent. The width of the crossing shall be the same width as existing Devore Road. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic crossing gates. One of said gates and signals shall be north of The Atchison, Topeka and Santa Fe Railway Company's tracks and one of said signals shall be south of applicant's track. Applicant shall remove The Atchison, Topeka and Santa Fe Railway Company's existing flashing light signals and shall pay all costs of removal of the existing signals and the cost of installation of the new protection. After installation The Atchison, Topeka and Santa Fe Railway Company shall maintain the signal and gate north of its tracks and applicant shall maintain the signal and gate south of its track.

Verdemont Ranch Road (Crossing No. BB 482.0)

Width of the crossing shall be 26 feet and applicant shall pave said crossing with asphaltic concrete for said width across the full width of the right of way. Grades of approach shall not be greater than 3 per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic crossing gates.

Institution Road (Crossing BB 483.2-B)

Applicant is authorized to construct this crossing at separated grades in accordance with the plans shown on Exhibit 56. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans for the separation shall be filed with the Commission prior to commencement of construction.

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Dump Site Road (Crossing No. BB 483.0)

Applicant is authorized to close said crossing provided it connects said road to Institution Road (Crossing BB 483.2-B) as proposed by applicant.

Base Line Street (Crossing No. BB 488.2-A)

Applicant is authorized to construct this crossing at separated grades in accordance with the plans shown on Exhibit 58. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans shall be filed with the Commission prior to commencement of construction.

Terrace Road (MP 489.1)

Applicant is authorized to close this crossing and extend Macy Street in accordance with the plans attached to Exhibit 59.

Merrill Avenue (Crossing No. BB 490.5-A)

Applicant is authorized to construct this crossing at separated grades in accordance with the plans shown on Exhibit 62. Clearances shall be in accordance with the requirement of General Order No. 26-D. Plans shall be filed with the Commission prior to commencement of construction.

Olive Street (Crossing No. BB 491.5-B)

Applicant is authorized to construct this crossing at separated grades in accordance with the plans shown on Exhibit 63. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans shall be filed with the Commission prior to commencement of construction.

"C" Street (Crossing No. BB 491.7-B)

Applicant is authorized to construct this crossing at separated grades in accordance with the plans shown on Exhibit 64. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans shall be filed with the Commission prior to commencement of construction.

2. All costs of construction at each of the grade crossings specified herein shall be borne by the applicant. Applicant shall bear all maintenance costs of grade crossings of its tracks between lines two feet outside of its rails. At those crossings where there are separations of grades, construction and maintenance costs shall be borne in accordance with agreements to be entered into between the parties and a copy of each of said agreements, together with plans approved by the applicant,

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shall be filed with the Commission prior to commencement of construction of said separations. Should the parties, including the governmental agency involved, fail to agree, the Commission will apportion the costs by further order. At Devore Road, (Southern Pacific Crossing No. BB 480.1) after installation of the protection herein ordered, The Atchison, Topeka and Santa Fe Railway Company shall maintain the protection north of its line of tracks.

The maintenance costs for said automatic protective devices shall be divided in the same proportion as the cost of construction has been apportioned herein, in accordance with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

Within thirty days after completion of each crossing pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years, unless time be extended, or if the above

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conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 7th day of DECEMBER, 1965.

Fredrick B. Hubbard
President
John E. Mitchell
George E. Hoover
Augusta
William A. Bernard
Commissioners

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Appendix A

Appearances

Randolph Karr, W. E. Still, W. A. Steiger and John Gordon, by Randolph Karr and John Gordon, for applicant in applications and interested parties in Case No. 8214.
Harold W. Kennedy and Ronald L. Schneider, for the County of Los Angeles, protestants in applications and respondents in Case No. 8214.
Edward H. Robinson, Jr., for the County of San Bernardino, protestant in applications and respondent in Case No. 8214.
Herbert Anderson, for the Phelan Chamber of Commerce, protestant in applications and interested party in Case No. 8214.
Omer H. Brodie, for the County of San Bernardino, respondent.
Neal N. McCrory, for The Atchison, Topeka & Santa Fe Railway Co.; Stephen F. Franks, for the City of San Bernardino; Roger Grant Hardgrave, for the City of San Bernardino; and H. W. Lehfeldt, for the City of Palmdale; respondents in Case No. 8214 and interested parties in applications.
G. R. Mitchell, for the Brotherhood of Locomotive Engineers; George D. Moe, Melvin R. Dykman and Joseph C. Easley, by George Moe and Joseph C. Easley, for the State of California, Department of Public Works, Division of Highways; and James E. Howe, for the Brotherhood of Railroad Trainmen AFL-CIO; interested parties.
William F. Hibbard and John C. Gilman, for the Commission staff.

(End of Appendix A)