

ORIGINAL

Decision No. 70211

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

Investigation into the status, safety, maintenance, use and protection of publicly used or private crossings on that segment of the tracks of the SOUTHERN PACIFIC COMPANY to be constructed between Palmdale and Colton, California.

Case No. 8298
Filed November 9, 1965

Investigation into the status, safety, maintenance, use and protection or closing of the crossing of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY with State Route 138, Crossing No. 2-61.7; and the crossing of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY in the City of San Bernardino, with Rialto Avenue; Crossing No. 2-83.4.

Case No. 8302
Filed November 10, 1965
and related Applications
Nos. 47510, 47511, 47514,
47544, 47621, 47636,
47644 and 47671.

Additional Appearances

Lawrence A. Hutton, for the City of Colton; Robert B. Curtis, for The Atchison, Topeka and Santa Fe Railway Company; and J. L. Evans, by J. E. Howe, for the Brotherhood of Locomotive Firemen and Engineers, interested parties.

FINAL OPINION

The final day of hearing on the above matters was held before Examiner Rogers in Los Angeles on November 23, 1965. On said date, Case No. 8298 and Case No. 8302 were consolidated for hearing with Case No. 8214 and the eight applications above listed. All matters were submitted for decision.

State Highway Grade Separations

There are seven proposed crossings of State highways by the Palmdale-Colton Cutoff (Cutoff). The applicant and the Department of Public Works of the State of California (Department) stipulated that construction costs at each State highway crossing would be divided as follows (Exhibit 81):

Fort Tejon Road (Mile Post 419.4)

The applicant is to construct a vehicular underpass spanning the highway 100-foot right of way (with one center pier). All costs of construction are to be borne by the applicant.

West Hesperia - Interstate No. 15 (Mile Post 457.8)

The applicant is to construct an overhead, including a bridge structure, for the two-lane access road to be constructed on the westerly side of the highway. All the applicant's expenses, except the new westerly frontage road, will be split fifty-fifty. It is proposed to exchange rights of way to provide the State the necessary right of way for frontage road construction and the State will grant lands owned by the State easterly of the highway, necessary for applicant's right of way.

North Alray - Interstate No. 15 (Mile Post 467.2)

Applicant is to construct a suitable separation structure over the existing highway at applicant's expense.

Highway 138, Cajon Pass (Mile Post 469.2)

Applicant is to construct a 4-lane underpass at the location of the proposed tracks. The underpass is to provide presently for two lanes of traffic. Construction shall be entirely at the applicant's expense. Applicant is to bear the cost of installing flashing light signals equipped with gate arms at the nearby The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) crossing.

Highland Avenue - Route 30 (Mile Post 487.1)

Applicant is to construct at its expense a vehicular underpass by crossing over existing State Route 30.

Foothill Boulevard - Route 66 (Mile Post 489.4)

Applicant is to construct a vehicular overpass over the railroad at Foothill Boulevard. All costs are to be borne by applicant.

San Bernardino Freeway - Interstate No. 10 (Mile Post 492.1)

Applicant will provide an underpass by crossing existing State highway as mutually agreed upon. Edge of ultimate paving is to be an eight-lane freeway. All costs are to be borne by applicant.

The Commission staff agreed to the proposals of the applicant concerning the separated grades.

At Highway 138 (Mile Post 469.2), the highway will pass under the railroad approximately 750 feet west of the crossing of said highway by the Santa Fe's westerly main line of track. At present the Santa Fe crossing is protected by two Standard No. 8

flashing light signals. The applicant and the Santa Fe have agreed that applicant will install two Standard No. 8 flashing light signals supplemented with automatic crossing gates at the Santa Fe crossing of Highway 138 and that the Santa Fe will pay the costs of maintenance of such protection after installation.

Non-State Highway Crossings

Avenue "S" (Mile Post 415.8)

The site of this proposed crossing is partly in the City of Palmdale and partly in the County of Los Angeles. The applicant proposes to realign Avenue "S" (Exhibit 5) and have a separation of grades with a four-lane highway passing under the railroad. The City of Palmdale and the County of Los Angeles plan to develop Avenue "S" as a 100-foot major highway with a roadway 84 feet in width from curb to curb. They desire that this railway bridge structure be built accordingly and the highway realigned at the expense of the applicant.

Arrow Route - Rialto Avenue (Mile Post 490.0)

The parties are in agreement concerning the separation of grades proposed at this crossing, which is in the City of San Bernardino. The applicant's line of rail will pass over the highway. Inasmuch as there is a Santa Fe crossing of Rialto Avenue in the immediate vicinity of the proposed grade separation structure and at the same grade as Rialto Avenue, the applicant and the Santa Fe have agreed that the applicant will install two Standard No. 8 flashing light signals supplemented with automatic gates on each side of the existing Santa Fe crossing of Rialto Avenue and an advance warning light east of the applicant's

bridge structure. The applicant will pay the costs of installation of the Santa Fe crossing protection, including the advance warning signs and light, and the Santa Fe will pay the maintenance costs of the said protection.

Valley Boulevard (Mile Post 492.06)

This crossing is immediately adjacent to and on the north side of the San Bernardino Freeway (Mile Post 492.1, supra) at the site of the proposed crossing. Applicant proposes to build one bridge structure carrying the railroad over both the freeway and Valley Boulevard. The crossing is in the County of San Bernardino and the proposal has been approved by the County.

Desert Lawn Cemetery Road (Mile Post 416.3)

The applicant proposes that this crossing, which is in the County of Los Angeles and provides the only entrance to or egress from a cemetery, be protected by two Standard No. 1 crossing signs. The staff requests that this crossing be protected by two Standard No. 8 flashing light signals. Any person or entity having business with the cemetery will be required to cross applicant's right of way at this crossing, and it is open to the public during the cemetery's business hours.

Other Private Crossings

There are several private roads along the right of way where crossings will be required. The applicant and the staff agree that such crossings should be either protected by locked gates or Standard No. 1 crossing signs, and boulevard stop signs, with the exception of crossings, at some points, of roads which

provide access for gravel company operations, at which points the parties agree there should be separations of grades. The applicant has agreed to give the Commission staff a list of such private crossings, the mile post numbers thereat, the parties responsible for the crossings, the protection thereat, and the dates the crossings were, or are in the future, opened.

Findings

Upon the evidence of record, 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 of applicant's Palmdale-Colton Cutoff and are in either the County of Los Angeles, the City of Palmdale, the County of San Bernardino, the City of Colton and/or the City of San Bernardino, as indicated. Each of the public crossings herein referred to will be a new crossing, constructed at applicant's request, of an existing street, highway, or dedicated right of way therefor. The Interstate Commerce Commission has authorized the construction of the Cutoff.

3. The Desert Lawn Cemetery Road (Mile Post 416.3) is a publicly used private crossing and is open to the public during the cemetery's business hours.

4. There are now, and will be additional, private crossings of the Palmdale-Colton Cutoff. The applicant has agreed that such crossings are in some instances to be protected with fences and locked gates, in some instances with stop signs and Standard No. 1 crossing signs; and, where the crossings provide access to and from sand and gravel production areas, separations of grades are to be constructed.

5. Public convenience, necessity and safety require that each of these public crossings, publicly used private crossings, and private crossings herein authorized be constructed under the terms and conditions contained in the order herein. Each separation of grade structure should be constructed pursuant to agreement between the parties concerned unless the order herein specifies a minimum width, in which case the minimum shall prevail.

Conclusions

The Commission concludes that the applicant should be authorized to construct each of the crossings specified herein under the terms and conditions specified in the order herein; that applicant should furnish certain information to the Commission relative to each private crossing now in existence or subsequently constructed on the Cutoff; and that each private crossing on said Cutoff should be protected by one of the methods specified in the order herein.

FINAL ORDER

IT IS ORDERED that:

1. Southern Pacific Company is hereby authorized to construct a line of track across the public, private, or publicly used private streets and highways specified or referred to herein, the crossings to be identified by the crossing numbers specified and subject to the conditions set forth herein at each crossing.

Fort Tejon Road - Route 138 (Crossing No. BB 419.4-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

West Hesperia - Interstate No. 15 (Crossing No. BB 457.8-A)

Applicant is authorized to construct the crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

North Alray - Interstate No. 15 (Crossing No. BB 467.2-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

State Highway 138 - Cajon Pass (Crossing No. BB 469.2-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

Applicant shall install two Standard No. 8 flashing light signals supplemented with automatic crossing gates at The Atchison, Topeka and Santa Fe Railway Company's westerly crossing (Crossing No. 2-61.7) of State Highway 138.

Applicant shall pay the installation costs and The Atchison, Topeka and Santa Fe Railway Company shall pay the maintenance expenses of said automatic protection after its installation.

Highland Avenue - Route 30 (Crossing No. BB 487.1-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

Foothill Boulevard - Route 66 (Crossing No. BB 489.4-A)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

San Bernardino Freeway - Interstate No. 10 (Crossing No. BB 492.1-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the Department of Public Works of the State of California shall be filed with the Commission prior to the commencement of construction.

Avenue "S" (Crossing No. BB 415.8-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. The bridge structure shall be constructed to permit a highway 84 feet in width from curb to curb to be constructed thereunder. Plans approved by the Los Angeles County Road Department shall be filed with the Commission prior to the commencement of construction.

Arrow Route - Rialto Avenue (Crossing No. BB 490.0-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the City of San Bernardino shall be filed with the Commission prior to the commencement of construction.

Applicant shall install one Standard No. 8 flashing light signal supplemented with automatic gate on each side of the existing The Atchison, Topeka and Santa Fe Railway Company crossing of Rialto Avenue (No. 2-83.4) and an advance warning light east of the applicant's bridge structure. The applicant shall pay the costs of installation of the Santa Fe crossing protection, including the advance warning light, and the Santa Fe shall pay the maintenance costs of the said protection.

Valley Boulevard (Crossing No. BB 492.0-B)

Applicant is authorized to construct this crossing at separated grades. Clearances shall be in accordance with the requirements of General Order No. 26-D. Plans approved by the County of San Bernardino shall be filed with the Commission prior to the commencement of construction.

Desert Lawn Cemetery Road (Crossing No. BB 416.3)

The 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 2.2 percent. 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).

Private Crossings

If private crossings are at grade, they shall either be protected by locked gates or Standard No. 1 of General Order No. 75-B crossing signs and boulevard stop signs. If private crossings are at separated grades, clearances shall be in accordance with the requirements of General Order No. 26-D.

2. All costs of construction at each of said public or publicly used and privately owned grade crossings and new roads specified herein, other than grade separations, shall be borne by applicant. Applicant shall bear all maintenance costs of grade crossings of its tracks between lines two feet outside of its rails and shall bear all maintenance costs of automatic protective devices and nonautomatic protective devices at such crossings. The governmental agency or the private entity concerned shall maintain the pavement at each grade crossing outside of lines two feet outside of the rails. At those public crossings where there are separations of grades, construction and maintenance costs shall be borne in accordance with agreements to be entered into between the applicant and the governmental agency involved, and a copy of each of said agreements, together with plans approved by the

governmental agency, shall be filed with this Commission prior to commencement of construction of the grade separation structure involved. Should the parties fail to agree, the Commission will apportion the costs by further order. The expenses of construction and maintenance of private crossings and of any protection thereat shall be apportioned by agreement between the parties concerned.

3. Within thirty days after the establishment of any private crossings of the Palmdale-Colton Cutoff, the applicant shall furnish this Commission with a written statement showing as to each such crossing (1) the mile post number, (2) the entity having title to and being responsible for the crossing, (3) the protection thereat, and (4) the type of crossing.

Within thirty days after completion of each crossing pursuant to this order, applicant shall so advise this Commission in writing. This authorization will expire if not exercised within two years, unless time be extended or if the above 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 11th day of JANUARY, 1966.

Frederick B. Hallock
President
George T. Hoover
Commissioners
William B. Bennett
Commissioners