

Decision No. 77166

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the County of San Bernardino for
Permission to Construct a Crossing
at grade of the Tracks of The
Atchison, Topeka and Santa Fe
Railway Company at Rio Vista Drive
near the Community of Earp, in the
County of San Bernardino, State
of California.

Application No. 51523
(Filed December 1, 1969)

Eugene Holder, for applicant.
Neal W. McCrory, for The
Atchison, Topeka and Santa Fe
Railway Company, interested
party.
Ronald I. Hollis, for the
Commission's staff.

O P I N I O N

The County of San Bernardino (applicant) requests authority to construct a crossing at grade over the Cadiz Branch (2-P line) of The Atchison, Topeka and Santa Fe Railway Company (railway) at a proposed Rio Vista Drive (Mile Post 107.7) in the vicinity of the unincorporated community of Earp near the Colorado River.

After notice to all interested parties, a public hearing on the application was held before Examiner Rogers in the City of San Bernardino on March 24, 1970, and the matter was argued and submitted.

The Colorado River Co. (company) has acquired a 60-year lease of 8,000 acres of Indian-owned land lying along the California side of the Colorado River, and extending approximately 11 miles south and west from Earp on Acqueduct Road. Acqueduct Road runs generally in an east-west direction. It turns south approximately 400 feet east of Earp, and crosses the Colorado River 700 to 800 feet east of the east end of the property. Acqueduct Road is a principal highway with a dedicated width of 120 feet. The company has laid out several roads. One of these, Rio Vista Drive, will roughly parallel the California bank of the river and, as planned, will curve north across the railway to intersect Acqueduct Road approximately 2,000 feet west of Earp. It is approximately one mile from this proposed highway intersection, via Acqueduct Road, to the Colorado River crossing. The railway's track to and from Parker, Arizona, roughly parallels the California bank of the river and traverses the major length of the company's land. The track now crosses Acqueduct Road at separated grades (the track over the highway) approximately 500 feet north of the river^{1/}.

The company has constructed Tract No. 7422 in the west end of its property. In the vicinity of this tract, Rio Mesa Drive extends north from Rio Vista Drive to Acqueduct Road and crosses the railway at grade. Protection at this crossing is by Standard No. 8 flashing light signals supplemented with automatic gates. It is approximately four miles from this existing crossing to the proposed crossing.

^{1/} Appendix A.

The proposed crossing is in tentative Tract No. 8125 which contains 271 acres divided into 179 lots (Exhibit No. 4). All of this tract lies between Acqueduct Road and the river. The land between the east end of the tract and the river crossing is Indian-owned land, but a portion thereof along the river is used as a trailer park. Access to and from the trailer park is via an entrance on Acqueduct Road. The railway's bridge crosses over Acqueduct Road on the north side of the river. Six of the lots included in Tract No. 8125 are commercial lots and are north of the railway. Three of the commercial lots will front on Acqueduct Road. The tract plan calls for Rio Vista Drive to cross the railway track, pass through the commercial lot area and intersect Acqueduct Road. Applicant proposes to cross the railway at grade at Rio Vista Drive. It will pay the cost of installation and maintenance thereof of two Standard No. 8 flashing light signals supplemented with automatic crossing gates.

The estimated traffic at the proposed crossing is 400 vehicles per day. The area is presently totally undeveloped and the applicant did not present any estimate of the time of development. Train traffic normally consists of one freight train per day in each direction. There are periods, however, when there are as many as seven trains per day in each direction. The train speed limit is 40 miles per hour in this area. Ordinarily, the train traffic is freight, but on occasion, when the main line is unusable, passenger trains are routed on this line.

The trains traveling east towards Parker will have a view of the crossing site approximately 800 feet west thereof. The trains from Parker will have a view of the crossing site approximately 1,800 feet east thereof.

The principal planner for the County stated that the County does not desire to construct a separated grade crossing because of the contemplated small volume of vehicular traffic; however, it is not adverse to an alternate plan which will not require a crossing in this area. Such an alternate crossing could be made without crossing the tracks by extending a road from the subdivision east to Aqueduct Road south of the existing bridge by the river.

A representative of the company testified that the company has leased the 8,000 acres of Indian land in the area; that this land extends along the river for a distance of approximately 11 miles and will contain several railway crossings on the principal road, Rio Vista Drive; that there is one crossing at Rio Mesa Drive at present; that the crossing protection there consists of flashing lights supplemented with gates and this protection cost \$17,500; that the most economical crossing would be the flashing lights supplemented with gates; and that the company has not attempted to secure authority to extend any road east to Aqueduct Road without crossing the railroad. The witness stated that there is a grade separation, referred to above, east of the subdivision at the river, but that the company has not contacted the Secretary of the Interior to secure permission to construct a road from the east end of the tract.

The witness further stated that the 8,000 acres will be divided into approximately 10,000 parcels of land accomodating 8,000 to 15,000 people at ultimate development; and that one or two percent of these will be permanent residents and the remainder will be weekenders.

An assistant county planning engineer testified that the County desires a street at each section line; that in this develop-ment the proposed number of railroad crossings has been cut to the bare bones; that the proposed crossing site was based on access to the area, maintenance costs and potential accidents; that the planned northbound grade of approach to the crossing is 9.5 percent but this could be cut to 5.5 percent; that the cost of a separated grade structure would be \$217,000 including \$60,000 for a temporary by-pass and \$15,000 for a sump pump; and that grade crossing pro-tection, including automatic gates, would be approximately \$15,000.

The witness further testified that the County wants a 50-mile-per-hour road design and that a separation of grades could reduce the speed to 30 miles per hour.

A suggestion was made to the witness that instead of crossing the railroad as proposed, a road be built from the east end of the subdivision to Aqueduct Road near the river. This would permit access to all of the subdivision but the commercial lots without crossing the track.

The commercial lots can be reached from Aqueduct Road. The witness said that any such proposed road would be in a swale with potential flood hazards; that in order to get sight distances for vehicles coming out from under the railroad bridge near the

river, any road from the west side of the track would need to have sharp vertical curves creating hazards; and that there are only two regular trains per day on the line. The witness further testified that there is now a trailer camp area at the river and Acqueduct Road and that there is ingress and egress to and from this camp near the south end of the railroad bridge over the road. The witness stated that the area is to be a weekend recreational area; that the existing crossing and the herein proposed crossing are not adequate for the area; that he had made no studies of alternate methods of access to the area; and that if the application is denied, other crossings are possible.

Findings

The Commission finds that:

1. The County of San Bernardino's general plan of highways includes Rio Vista Drive as a secondary highway extending through an 8,000 acre parcel of Indian owned land lying along the California bank of the Colorado River. This land is generally bounded on the north by Acqueduct Road. Acqueduct Road extends east and west along the northerly edge of the land, and approximately 7 or 8 hundred feet east of the east end of said land it turns south across the Colorado River into Parker, Arizona. The east end of the land terminates just a short distance west of the community of Earp, which is on Acqueduct Road. The 8,000 acre parcel has been leased to the Colorado River Co. which intends to develop the land as a summer vacation home site.

2. The company has proposed a secondary highway roughly paralleling the California bank of the river. This highway is to be named Rio Vista Drive and is to intersect Acqueduct Road a short distance west of Earp.

3. The railway has a line along the California side of the river. The proposed Rio Vista Drive will cross this rail line at several points in the 8,000 acre parcel. In addition, one road, Rio Mesa Drive, has been constructed between Rio Vista Drive and Acqueduct Road. Rio Mesa Drive crosses the rail line at grade. The crossing is protected by flashing lights supplemented by automatic crossing gates. This crossing is approximately four miles west of the crossing herein considered.

4. The company has planned Tract No. 8125 which contains 271 acres divided into 179 lots. This tract is on the extreme east end of the 8,000 acre parcel. The east end of this tract is approximately 7 to 8 hundred feet west of the crossing of the Colorado River by Acqueduct Road.

5. It is proposed that Rio Vista Drive cross the railway at grade a short distance south of its junction with Acqueduct Road and a short distance west of the community of Earp. It is proposed that this crossing be at grade and protected by flashing light signals supplemented by automatic crossing gates. The line of rail curves southeast from this proposed crossing across the river. A short distance north of the river the rail line crosses Acqueduct Road at separated grades. The land between the 8,000 acre parcel and Acqueduct Road south of Acqueduct Road is Indian land. A portion of said land immediately west of Acqueduct Road and north of the river is used as a trailer park.

6. The company desires to install roads at several points between Rio Mesa Drive and Acqueduct Road in order to provide access to the 8,000 acre parcel. It is estimated that when the parcel is opened approximately 400 cars per day will use the herein proposed crossing. Train traffic regularly consists of one train in each direction with the speed limit of 40 miles per hour. There are times when as many as 14 trains per day will pass the proposed intersection.

7. Neither the company nor the land owner has attempted to secure permission from the Indian agent to extend Rio Vista Drive east and join Acqueduct Road on the north side of the river without crossing the railroad track.

8. There is nothing in the record to indicate the estimated time of development of Tract No. 8125 or the balance of the 8,000 acres.

9. There is nothing other than the desire of the County to construct the road, in the record to indicate any need for a crossing of the railroad at this time or at the particular point involved.

10. The applicant proposes a grade of approach from the south of 9.5 percent. This grade of approach could be reduced to 5.5 percent. This grade would be acceptable to the County.

11. If a crossing were permitted at the requested location, a separation of grades would be practical inasmuch as the track is now super elevated over the existing ground by approximately 16 feet.

12. An extension of Rio Vista Drive eastward from the east end of the tract along or near the river to Acqueduct Road without crossing the railroad track is feasible and is more desirable from a safety standpoint.

13. Neither public convenience nor necessity require a crossing as proposed at the present time.

We conclude that the application should be denied.

O R D E R

IT IS ORDERED that authority to extend Rio Vista Drive across The Atchison, Topeka and Santa Fe Railway Company's track at Mile Post 107.7 is denied.

Dated at San Francisco, California, this 5th day of MAY, 1970.

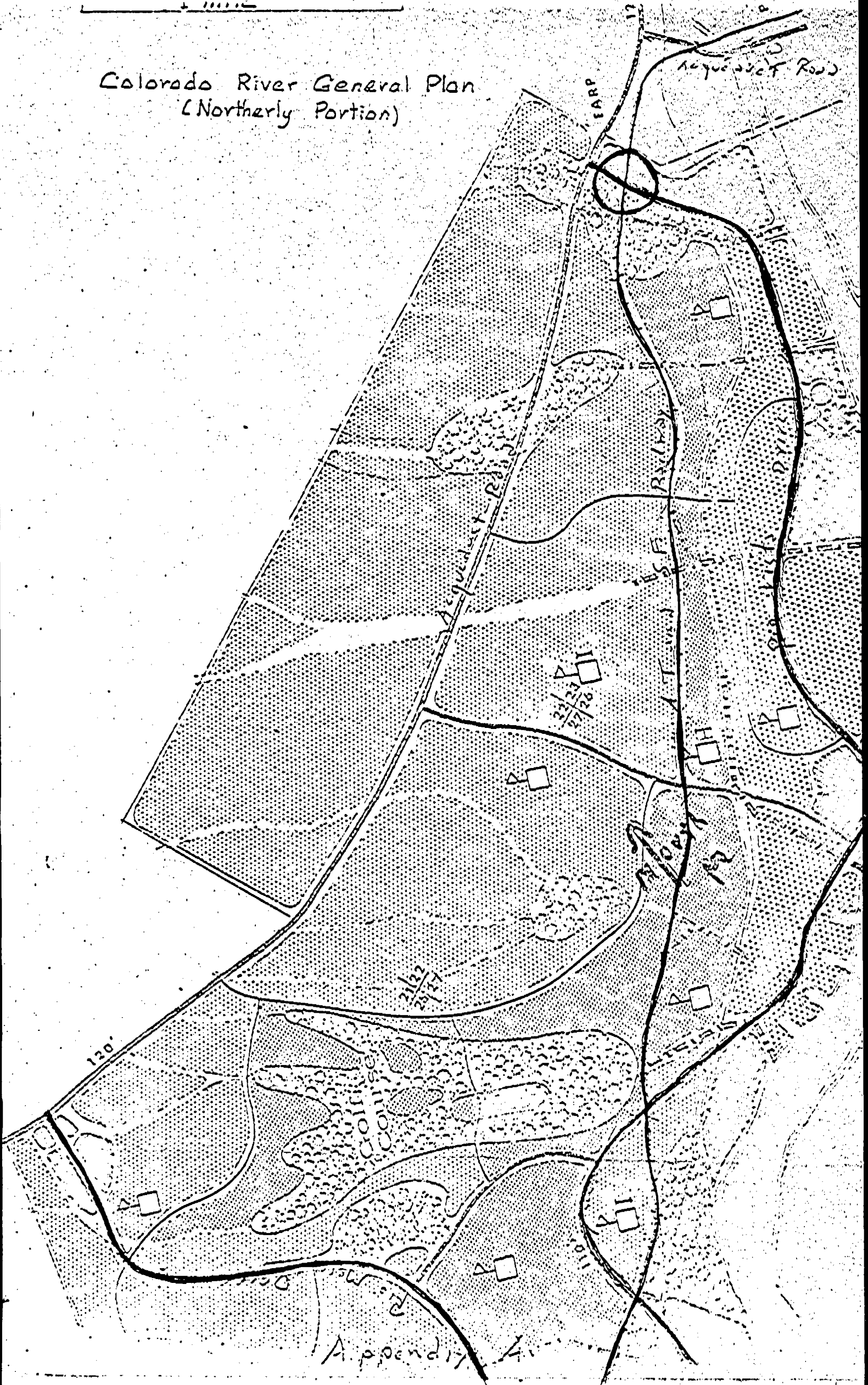
William J. Spence
President

Angela

J. P. ...

Verna L. Stynes
Commissioners

Colorado River General Plan
(Northerly Portion)



Appendix 4