

ORIGINAL

Decision No. 12182

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of)
Southern Pacific Company for an order)
authorizing the construction at grade)
of a branch line railroad track cross-)
ing thirty-four (34) county roads, ex-) Application No. 8906
tending from Calipatria east and south)
to a point in Section 34, T.14 S., R. 16)
E. San Bernardino Base and Meridian,)
approximately 21.3 miles, in Imperial)
County.)

H.M. Hobbs and Rosa T. Hickcox, for Applicant.

E.R. Utley, District Attorney, for Board of
Supervisors, County of Imperial.

BY THE COMMISSION:

O P I N I O N

This is a proceeding in which Southern Pacific Company asks for an order authorizing the construction of thirty-four crossings at grade on a new branch line railroad track, extending easterly and southerly from Calipatria in the County of Imperial.

The applicant has been given a certificate of public convenience and necessity by the Interstate Commerce Commission authorizing the construction of the branch line itself. The present proceeding concerns only the construction of the line across the several public roads which the line proposes to cross.

A public hearing on this matter was held in the City of El Centro before Examiner Williams on May 16, 1923.

The proposed railroad is to begin just south of the

City of Calipatria, where it diverts to the east from applicant's branch line extending from Niland to Calexico and beyond. After running east, parallel to and one hundred feet south of the Yuma Road, a distance of approximately five and a half miles, the proposed railroad turns southerly for a distance of approximately six miles to the east side of No. 5 Main Canal, which it parallels on the east side for approximately two and a half miles at which point it crosses the canal and extends south a distance of approximately seven miles to the Pepper Canal, located at the end of the paved county highway leading northerly from the City of Holtville.

The purpose of this railroad is to serve territory not conveniently accessible to existing railroads with freight service and it is anticipated that intensive farming will result in its immediate vicinity whereby the railroad will eventually derive revenue for perishable and semi-perishable products in addition to the live stock and staple products grown at the present time.

The territory in the vicinity of the proposed railroad is practically flat, sloping slightly down grade to the northwest toward Salton Sea. Consequently none of the crossings will require any great amount of fill as the top of rail in most cases will be from three to five feet above natural ground which will enable the railroad to cross the canals without interference.

All roads which the proposed railroad is expected to cross are dirt roads. The view is clear for a great distance throughout this entire district except for a few places where trees and buildings exist. Sidings are proposed to be built

across two roads, Lateral "B" and Moss Roads, on the west side of the branch line track. Cars left standing for any length of time on these sidings should be at least two hundred feet distant from the crossings. No streets are to be crossed within the incorporated limits of any city. All crossings are at right angles or nearly so with the exception of crossing No. 1 which is approximately thirty degrees. No railroad tracks are to be crossed by the proposed railroad.

Attached to the application is a copy of Ordinance No. 66 wherein the County of Imperial grants to the railroad the right to construct, maintain and operate the proposed railroad. Provision "a" of Section 2, thereof, requires that the approaches to said crossings shall be constructed on a grade not to exceed six per cent and shall not be less than twenty-four feet in width. Our engineer recommended that four per cent is the maximum allowable grade of approach and this has been the maximum grade specified in practically all decisions for several years in valley territory. It should be adhered to in this proceeding. Applicant's engineer testified that estimates were made on the basis of grade of approach of five per cent, and that to decrease this grade of approach would make it difficult to obtain material without going into the fields, which, he considered impractical. Also he stated that there would be some complications with roads crossing the approaches. This latter complication does not appear to be serious.

There appears to be no public necessity for crossing No. 1, Yuma Road extended, as this road ends approximately three hundred feet west of the proposed crossing and applicant owns practically all the land on both sides of the end of this short piece of road, which is seldom used. The evidence.

indicates that it is probable that the county may vacate this part of the road from the east side of the crossing to the west end of the road, in which event the railroad would not require authority to cross a street at this point but would be at liberty to proceed with construction. At this time, however, this crossing should be authorized which will permit of the immediate construction of the railroad with the expectation that the County will vacate the road.

Malva and Mesquite roads are not being used at the present time, but it was shown that it is probable that they will be used in the near future and it appears advisable that crossings be constructed at these roads.

Southern Pacific Company expects to operate one freight train daily in each direction over the various crossings at a speed of not to exceed twenty miles per hour. Traffic on the county roads is estimated to be from one to seventy-five vehicles daily over the various crossing.

No special protection other than the standard crossing and advance signs seem to be necessary at the present time at any of the crossings but it is necessary to trim or remove trees and brush for a distance of two hundred feet from many of the proposed crossings to give a clear view of the railroad.

It further appears that it is not reasonable nor practicable to avoid grade crossings with the several public roads which the proposed track of the Southern Pacific will cross and that this application should be granted.

O R D E R

Southern Pacific Company, a corporation, having made

made application to the Commission for permission to construct certain crossings at grade in the County of Imperial, as hereinafter indicated, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED, that permission be and it is hereby granted Southern Pacific Company to construct a branch line track at grade across thirty-four county roads in the County of Imperial, State of California, described as follows:

Crossing No. 1 - Yuma Road

Commencing at a point on the North boundary line of the County Road, known as Yuma Road, running East and West between Sections 15 and 22, Township 12 South, Range 14 East, San Bernardino Base and Meridian; thence in a general Southeasterly direction, on an 8° curve to the left and crossing the center line of said road at Engineer Station "L" 10 plus 36.0 to a point on the South boundary line of said road. The center of said crossing being approximately eight hundred twenty (820) feet east of the northwest corner of said Section 22.

Crossing No. 2

Commencing at a point on the West boundary line of the County Road running North and South through the Northwest quarter of Section 22, T. 12 S., R. 14 E., S.B.B. & M.; thence North $89^{\circ} 59'$ East, crossing the center line of said road at Engineer Station "H" 13+50.0, to a point on the East boundary line of said road. The said crossing being approximately four thousand feet (4000') West and one hundred (100') feet South of the Northeast corner of said Section 22.

Crossing No. 3

Commencing at a point on the West boundary line of the County Road running North and South between Sections 22 and 23, T. 12 S., R. 14 E., S.B.B. & M.; thence North $89^{\circ} 59'$ East, crossing the center line of said road at Engineer Station "H" 53 plus 27.0 to a point on the East boundary line of said road. The said crossing being approximately one hundred (100') feet south of the Northeast corner of said Section 22.

Crossing No. 4

Commencing at a point on the West boundary line of the County Road running North and South through the middle of Section 23, T. 12 S., R. 14 E., S.B.B. & M.; thence North $89^{\circ} 59'$ East, crossing the center line of said road at Engineer Station "H" 79 plus 80, to a point on the east boundary line of said road. The said crossing being approximately one hundred (100') feet South of the

Northeast corner of the Northwest Quarter of said Section 23.

Crossing No. 5

Commencing at a point on the West boundary line of the County Road, known as Weist Road, running North and South through the middle of Section 19, T. 12 S., R. 15 E., S.B.B. & M.; thence North $89^{\circ} 59'$ East, crossing the center line of said road at Engineer Station "H" 186 plus 36.0, to a point on the East boundary line of said road. The said crossing being approximately one hundred (100') South of the Northeast corner of the Northwest Quarter of said Section 19.

Crossing No. 6

Commencing at a point on the North boundary line of the County Road, known as Lateral "B", running East and West through the middle of Section 21, T. 12 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 313 plus 65.0, to a point on the South boundary line of said road. The said crossing being approximately one hundred (100') feet East of the center of said Section 21.

Crossing No. 7

Commencing at a point on the North boundary line of the County Road, known as Nettle Road, running East and West between Sections 28 and 33, T. 12 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 392 plus 94.0, to a point on the South boundary line of said road. The said crossing being approximately eighty (80') feet East of the Northwest corner of the Northeast Quarter of said Section 33.

Crossing No. 8

Commencing at a point on the North boundary line of the County Road, known as Narcissus Road, running East and West through the middle of Section 33, T. 12 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 419 plus 45.0, to a point on the South boundary line of said road. The said crossing being approximately eighty (80') feet East of the center of said Section 33.

Crossing No. 9

Commencing at a point on the North boundary line of the County Road, known as Standard Road, running East and West, between Section 33, T. 12 S., R. 15 E., S.B.B. & M. and Section 3, T. 13 S., R. 15 E., S.B.B. & M.; thence in a general Southerly direction, crossing the center line of said road at Engineer Station "H" 446 plus 45.0, to a point on the South boundary line of said road. The said crossing being approximately four hundred and fifty five (455') feet East of the Southwest corner of the Southeast Quarter of said Section 33.

Crossing No. 10

Commencing at a point on the North boundary line of the County Road, known as Marigold Road, running East

and West between Lots 6 and 11, Section 3, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 05'$ East, crossing the center line of said road at Engineer Station "H" 470 plus 64.0, to a point on the South boundary line of said road. The said crossing is approximately eighty-seven (87') feet East of the Northwest corner of said Lot 11.

Crossing No. 11

Commencing at a point on the North boundary line of the County Road, known as Mayflower Road, running East and West between Lots 14 and 19, Section 3, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 05'$ East, crossing the center line of said road at Engineer Station "H" 497 plus 00.0, to a point on the South boundary line of said road. The said crossing is approximately eighty-six (86') feet East of the Northwest corner of said Lot 19.

Crossing No. 12

Commencing at a point on the North boundary line of the County Road, known as Malva Road, running East and West between Lots 22 and 27, Section 3, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 05'$ East, crossing the center line of said road at Engineer Station "H" 523 plus 45.0 to a point on the South boundary line of said road. The said crossing is approximately eighty (80') feet East of the Northwest corner of said Lot 27.

Crossing No. 13

Commencing at a point on the North boundary line of the County Road, known as Mulberry Road, running East and West through Lot 36, Section 3, T. 13 S., R. 15 E., S.B.B. & M.; thence in a Southwesterly direction on a 3° curve to the left, crossing the center line of said road at Engineer Station "H" 557 plus 25.0 to a point on the South boundary line of said road. The said crossing is approximately seven hundred (700') feet South and two hundred and fifty (250') feet West of the Northeast corner of said Lot 36.

Crossing No. 14

Commencing at a point on the North boundary line of the County Road, known as Munyon Road, running East and West between Tracts 97 and 88, Section 10, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 05'$ East, crossing the center line of said road at Engineer Station "H" 583 plus 78.0 to a point on the South boundary line of said road. The said crossing is approximately fifty (50') West of the Southeast corner of said Tract 97.

Crossing No. 15

Commencing at a point on the North boundary line of the County Road, known as Myrtle Road, running East and West through Tract 88, Section 10, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 05'$ East, crossing the center line of said road at Engineer Station "H" 610 plus 14.0, to a point on the South boundary line of said road. The said crossing is approximately nine hundred

and fifty (950') feet East and Six Hundred (600') feet North of the Southwest corner of said Section 10.

Crossing No. 16

Commencing at a point on the North boundary line of the County Road, known as Mullen Road, running East and West through Lot 5, Section 15, T. 13 S., R. 15 E., S.B.B.&M.; thence South $11^{\circ} 26'$ East, crossing the center line of said road at Engineer Station "H" 636 plus 85.0, to a point on the South boundary line of said road. The said crossing is approximately two hundred and eighty (280) feet East and six hundred (600) feet North of the Southwest corner of said Lot 5.

Crossing No. 17

Commencing at a point on the North boundary line of the County Road, known as Maple Road, running East and West between Lot 11 and Tract 73, Section 15, T. 13 S., R. 15 E., S.B.B. & M.; thence South $11^{\circ} 26'$ East, crossing the center line of said road at Engineer Station "H" 663 plus 79.0, to a point on the South boundary line of said road. The said crossing is approximately five hundred and fifteen (515') feet West of the Northeast corner of said Tract 73.

Crossing No. 18

Commencing at a point on the North boundary line of the County Road, known as Mesquite Road, running East and West between Lot 7 and Tract 70, Section 22, T. 13 S., R. 15 E., S.B.B. & M.; thence South $11^{\circ} 26'$ East, crossing the center line of said road at Engineer Station "H" 690 plus 75.0, to a point on the South boundary line of said road. The said crossing is near the Southwest corner of said Lot 7.

Crossing No. 19

Commencing at a point on the North boundary line of the County Road, known as Magnolia Road, running East and West between Tracts 70 and 58, Section 22, T. 13 S., R. 15 E., S.B.B. & M.; thence South $11^{\circ} 26'$ East, crossing the center line of said road at Engineer Station "H" 717 plus 60.0, to a point on the South boundary line of said road. The said crossing is approximately seven hundred and forty (740') feet West of the Northeast corner of said Tract 58.

Crossing No. 20

Commencing at a point on the North boundary line of the County Road, known as Moss Road, running East and West through Tract 58, Section 27, T. 13 S., R. 15 E., S.B.B. & M.; thence South $11^{\circ} 26'$ East, crossing the center line of said road at Engineer Station "H" 744 plus 63.0, to a point on the South boundary line of said road. The said crossing is approximately

one half mile North and two hundred (200') feet West of the Southeast corner of said Tract 58.

Crossing No. 21

Commencing at a point on the North boundary line of the County Road, known as Oak Road, running East and West between Tracts 59 and 50, Section 27, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "E" 771 plus 31.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and Six hundred (600') feet North of the Southeast corner of said Section 27.

Crossing No. 22

Commencing at a point on the North boundary line of the County Road, known as Osage Road, running East and West between Tracts 50 and 44, Section 34, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "E" 787 plus 82.0, to a point on the South Boundary line of said road. The said crossing is approximately fifteen hundred twenty (1520') feet West and one thousand (1000') feet South of the Northeast corner of said Section 34.

Crossing No. 23

Commencing at a point on the North boundary line of the County Road, known as Orita Road, running East and West between Tracts 44 and 161, Section 34, T. 13 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "E" 814 plus 37.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and sixteen hundred (1600) feet North of the Southeast corner of said Section 34.

Crossing No. 24

Commencing at a point on the North boundary line of the County Road, known as Oleander Road, running East and West between Tracts 161 and 148, Section 3, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East crossing the center line of said road at Engineer Station "E" 840 plus 68.0 to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and one thousand (1000') feet South of the Northeast corner of said Section 3.

Crossing No. 25

Commencing at a point on the North boundary line of the County Road, known as Ohmar Road, running East and West through Tract 147, Section 3, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "E" 867 plus 20.0, to a point on the South boundary line of said road. The said crossing is approximately

fifteen hundred and twenty (1520') feet West and Sixteen hundred (1600') feet North of the Southeast corner of above mentioned Section 3.

Crossing No. 26

Commencing at a point on the North Boundary line of County Road, known as Orange Road, running East and West between tracts 147 and 122, Section 10, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 893 plus 40.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and one thousand (1000') feet South of the Northeast corner of said Section 10.

Crossing No. 27

Commencing at a point on the North boundary line of the County Road, known as Oxalis Road, running East and West between Tracts 122 and 121, Section 10, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 919 plus 81.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and sixteen hundred (1600') feet North of the Southeast corner of said Section 10.

Crossing No. 28

Commencing at a point on the North boundary line of the County Road, known as Olive Road, running East and West between Tracts 121 and 107, Section 15, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 946 plus 30.0 to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred and twenty (1520') feet West and one thousand (1000') feet South of the Northeast corner of said Section 15.

Crossing No. 29

Commencing at a point on the North boundary line of the County Road, known as Orchid Road, running East and West between Tracts 107 and 106, Section 15 T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 972 plus 761.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and sixteen hundred (1600') feet North of the Southeast corner of said Section 15.

Crossing No. 30

Commencing at a point on the North boundary line of the County Road, known as Occident Road, running East and West between Tracts 106 and 91, Section 22, T. 14 S., R. 15 E., S.B.B. & M.; thence South $0^{\circ} 01'$ East, crossing the center line of said road at Engineer Station "H" 999 plus 10.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and one thousand (1000') feet South of the Northeast corner of said Section 22.

Crossing No. 31

Commencing at a point on the North boundary line of the County Road, known as Orient Road, running East and West between Tracts 91 and 90, Section 22, T. 14 S., R. 15 E., S.B.B. & M.; thence South 0° 01' East, crossing the center line of said road at Engineer Station "H" 1025 plus 52.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and sixteen hundred (1600') feet North of the Southeast corner of said Section 22.

Crossing No. 32

Commencing at a point on the North boundary line of the County Road, known as Oasis Road, running East and West between Tracts 90 and 74, Section 27, T. 14 S., R. 15 E., S.B.B. & M.; thence South 0° 01' East, crossing the center line of said road at Engineer Station "H" 1051 plus 87.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and one thousand (1000') South of the Northeast corner of said Section 27.

Crossing No. 33

Commencing at a point on the North boundary line of the County Road, known as Oat Road, running East and West between Tracts 71 and 70, Section 27, T. 14 S., R. 15 E., S.B.B. & M.; thence South 0° 01' East, crossing the center line of said road at Engineer Station "H" 1078 plus 29.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and sixteen hundred (1600') feet North of the Southeast corner of said Section 27.

Crossing No. 34

Commencing at a point on the North boundary line of the County Road, known as Township Road, running East and West between Tracts 70 and 46, Section 34, T. 14 S., R. 15 E., S.B.B. & M.; thence South 0° 01' East, crossing the center line of said road at Engineer Station "H" 1104 plus 70.0, to a point on the South boundary line of said road. The said crossing is approximately fifteen hundred (1500') feet West and one thousand (1000') feet South of the Northeast corner of said Section 34.

All of the above as shown by the maps No. 17860, 17861, 17859 and 17858 attached to the application; said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good

and first class condition for the safe and convenient use of the public, shall be borne by applicant.

Said crossings shall be constructed of a width and type of construction to conform to those portions of said roads now graded, with the top of rails flush with the road surface and with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossing signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing, of the completion of the installation of said crossings.

(4) The authorization herein granted for the installation of said crossings shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that permission be and it is hereby granted Southern Pacific Company to construct a passing track thirteen feet West of the above mentioned branch line track across Lateral "B" Road (Crossing No. 6) and also a passing track thirteen feet West of the above mentioned branch line track across Moss Road (Crossing No. 20) said crossings

to be constructed subject to the above mentioned conditions .

This order shall become effective five (5) days after
the making thereof.

Dated at San Francisco, California, this 7th
day of ~~May~~ ^{June} 1923.

Chas. J. ...
W. B. ...
James Martin
Commissioners.