

ORIGINAL

Decision No. 12984

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application of)
the City of Calipatria, County of)
Imperial, State of California, for)
permission to construct a street)
crossing over the Southern Pacific)
Railroad Company's right of way within)
the corporate limits of said City of)
Calipatria.) Application No. 9096.

In the matter of the application of the)
County of Imperial, State of California,)
for permission to construct a railroad)
crossing over the Southern Pacific Rail-)
road Company's right of way at the point)
where that portion of North Street lying)
within the County of Imperial and direct-)
ly north of the northern boundary of the)
City of Calipatria intersects with and)
crosses over the right of way of the)
Southern Pacific Railroad Company.) Application No. 9494.

E. W. Heald, City Attorney of the City of Calipatria
for the City of Calipatria and County of Imperial.

F. W. Mielke, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

The above entitled matters are applications by the Board of Trustees of the City of Calipatria, County of Imperial and the Board of Supervisors of the County of Imperial, State of California, for permission to construct a public street, known as North Street, at grade across the tracks of Southern Pacific Company. The center line of North Street marks the north boundary of the City of Calipatria, the south half of the street being

under the jurisdiction of the Board of Trustees of the City of Calipatria, while the north half is under the jurisdiction of the Board of Supervisors of the County of Imperial.

A public hearing in these matters was held at Calipatria, November 16, 1923, before Examiner Williams at which time it was stipulated that the two above entitled applications should be consolidated for hearing and decision.

North Street is a one hundred foot highway graded and open to travel along the north boundary of the City of Calipatria, a distance of one and one-half miles, except across the right of way of Southern Pacific Company which amounts to four hundred feet south of the center line and two hundred feet north thereof as the width of the railroad right of way is four hundred feet through the City of Calipatria and two hundred feet north thereof in Imperial County.

The City of Calipatria has at present but one public crossing over the railroad this being at Main Street, located one-half mile south of the crossing applied for. The nearest public crossing on the north of the one asked for herein is located at Estelle, a distance of approximately four miles.

The stock yards of the Railroad are constructed west of the tracks and immediately south of the center line of North Street extended. The records shows that many thousands cattle and hogs are shipped from Calipatria each year and because there is no public crossing in the vicinity of the stock yards it is the practice of the stockmen from the district east of the railroad to drive their herds over the railroad tracks at various places. This is both inconvenient and hazardous because in attempting to drive across tracks where there are no crossings stock are hard to control and are sometimes stampeded. These stockmen do not consider it practical to use the public crossing at Main Street.

It is evident that the granting of this application would not only be of convenience to the stockmen using the yards at Calipatria but also be a benefit to the Railroad Company in that it would afford a definite crossing over the tracks and eliminate the present hazardous practice of crossing promiscuously.

It was also shown that the Main Street crossing is now being paved and that heavy machinery such as is used to construct and maintain the irrigation canals in the vicinity of Calipatria will not be permitted to pass over the pavement without first having laid a planked roadway. The proposed crossing at North Street would offer a convenient passage for this type of traffic.

Main Street which is the only public crossing over the railroad in the City of Calipatria at present passes adjacent to the railroad station and through the heart of the company's yards. Testimony was introduced at the hearing to show that this crossing frequently is blocked by trains. It is evident that a crossing at North Street will not be affected by standing trains as much as is the case with Main Street. Therefore, the granting of this application will be of convenience to traffic to the north of the City of Calipatria which requires the crossing of the company's tracks.

Southern Pacific Company opposes the granting of this application and contends that public convenience and necessity do not warrant the expense and hazard incident to the construction of this crossing at North Street. It was shown that the Railroad recently constructed a hog corral at this location in response to an application from the stockmen for additional facilities for handling hogs. This corral must be moved in the event the proposed crossing is constructed. The Railroad has ample ground to rearrange its stock corrals so as to vacate that

area which would be involved in the improvement proposed herein.

From the evidence submitted it is clear that public convenience and necessity would be best served by the granting of this application. As for the hazard incident to the construction of the proposed crossing we are convinced that there would be less hazard of accident with a public crossing as applied for than with the present practice of driving stock promiscuously across the tracks of the Railroad in the vicinity of the stock yards.

Due to the fact that the view to the south of the proposed crossing will be obstructed by the stock corrals and cars standing on the sidings and the trains at this point travel at a rather high rate of speed, it appears that the installation of an automatic flagman is justified at this point. Furthermore, as this crossing will be used largely by stockmen advance notice of approaching trains is very vital.

O R D E R

Public hearing having been held in the above entitled applications, 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 the Board of Trustees of the City of Calipatria and the Board of Supervisors of the County of Imperial, State of California, to jointly construct North Street at grade across the tracks of Southern Pacific Company, as shown by maps attached to the applications; said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne one-half by the City of Calipatria and one-half by the County of Imperial. The cost of maintenance of the southerly half of said crossing shall be borne by the City of Calipatria up to lines two (2) feet outside of the outside rails and the cost of

maintenance of the northerly half of said crossing up to lines two (2) feet outside of the outside rails shall be borne by the County of Imperial. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.

(2) The crossing shall be constructed of a width not less than twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent shall be protected by suitable crossing sign and shall in every way be made safe for the passage there-over of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the expense of applicants. Each applicant shall bear one-half of said expense. Said flagman to be of a type and installed in accordance with plans and data approved by the Commission. The maintenance of said flagman shall be borne by said Railroad.

(4) Applicants shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(5) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper and to revoke its permission if, in its judg-

ment, the public convenience and necessity demand such action.

This order shall become effective ten (10) days
after the making thereof.

Dated at San Francisco, California, this 3rd day
of ~~December~~ ^{January}, 1925.

C. H. Sawyer
H. B. Brundage

Egerlon Shore

Commissioners.