

ORIGINAL

Decision No. 13458

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the matter of the application)
of the City of Kingsburg to open)
Ellis Street across the Southern) Application No. 9467.
Pacific Railroad right of way.)

Alex E. Nelson, for Applicant.

F. W. Mielke, for Southern Pacific Company

BY THE COMMISSION:

O P I N I O N

In this application the Board of Trustees of the City of Kingsburg requests permission to construct Ellis Street at grade across the tracks of Southern Pacific Company in the City of Kingsburg, County of Fresno, State of California.

A public hearing was held on this application before Examiner Satterwhite in Kingsburg, February 20, 1924.

The main line tracks of the Southern Pacific between Fresno and Bakersfield run through the City of Kingsburg in a northwesterly and southeasterly direction. There are operated over these tracks approximately sixteen passenger and freight trains per day.

The streets in the vicinity of the railroad station are parallel to and at right angles with the railroad tracks, and the streets in the outlying districts run north and south, east and west.

Draper Street, the main business street of Kingsburg,

runs in a northeast and southwest direction crossing three tracks of the railroad at grade. It thus connects the business district which is northeast of the tracks with that portion of the city which is located southwest of the tracks. There are two other crossings within the city, namely, Earl Street, two blocks or approximately nine hundred and fifty feet southeast of Draper Street, and Sierra Street, approximately two thousand feet northwest from the Draper Street crossing. Simpson Street, adjacent to and southwest of the railroad, is on the route of the State Highway between Fresno and Bakersfield.

Draper Street thus serves both as the main connecting link for the two parts of the city on either side of the railroad and to connect the State Highway route with the business district. The greater portion of the traffic across the railroad in Kingsburg uses the Draper Street crossing. The Sierra Street crossing is so far removed from the center of the city that it is inconvenient for the general public to use and consequently is very little used. Earl Street connects Simpson Street (the Highway) with the southeasterly part of town and does not extend southwest of Simpson Street. The Earl Street crossing is used largely to serve the industries situated along the railroad and from about the 20th of September to the end of December each year carries a very heavy truck and wagon traffic to the packing houses. The street in the vicinity of the railroad is badly congested by these vehicles waiting their turn to get to their respective points of unloading, and is not feasible for the general traveling public to use in going to points south of the city.

A traffic check taken on December 15, 1923 between the hours of 7:00 a.m. and 9:00 p.m. shows that 2990 automobiles, trucks and stages, 241 horsedrawn vehicles, motorcycles and bicycles

and 910 pedestrians crossed the tracks at the Draper Street crossing.

The congestion is largely due to the fact that almost all vehicles make a right angle turn in getting from the crossing to Simpson Street. These turning movements of the vehicles largely reduce the capacity of the crossing.

Testimony introduced shows that the Draper Street crossing is frequently blocked by trains stopping at the Station, thus causing serious delay and confusion on this already busy crossing. The station is located about three hundred feet from the Draper Street crossing.

The crossing of Ellis Street, authority for which is asked in this proceeding, would be located one block northwest from Draper Street. It is desired by the city to relieve the congestion at the Draper Street crossing, and also to avoid delay caused by standing trains as the ordinary passenger train standing at the station would not obstruct a crossing at Ellis Street. All parties concerned are definitely of the opinion that the proposed crossing should be protected by an automatic flagman when installed.

In Application No. 1459, Decision No. 2195, dated March 5, 1915, the Commission granted the City of Kingsburg permission to construct First Street (now known as Tenth Avenue), about twelve hundred feet northwest of Draper Street at grade across Southern Pacific Company's tracks. This crossing has not been constructed and the Commission's record in the present proceeding indicates that the city has definitely abandoned the plan to build it because industries have been established in the vicinity of Tenth Avenue and a crossing there would be impracticable. An appropriate order of rescission and dismissal will

therefore be entered in Application No. 1459.

After considering all the evidence presented it appears that public convenience and necessity require that Ellis Street be constructed at grade across the railroad and that this application should therefore be granted.

O R D E R

The Board of Trustees of the City of Kingsburg, having made application for permission to construct a public street at grade across the tracks of Southern Pacific Company at Ellis Street, 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 granted the Board of Trustees of the City of Kingsburg, State of California, to construct Ellis Street at grade across the tracks of Southern Pacific, at a location as shown by the map attached to the application, said crossing to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossing shall be borne by applicant. The cost of its maintenance up to lines two (2) feet outside of the outside rails shall be borne by applicant. 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 thirty (30) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than one (1) per cent; shall be protected by a suitable crossing sign, and

shall in every way be made safe for the passage thereon of vehicles and other road traffic.

(3) An automatic flagman shall be installed for the protection of said crossing at the sole expense of the applicant, said automatic flagman to be of a type and installed in accordance with plans or data approved by the Commission. The maintenance of said automatic flagman shall be borne by Southern Pacific Company.

(4) Applicant 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 judgment, the public convenience and necessity demand such action.

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

Dated at San Francisco, California, this 23rd day of April, 1924.

C. C. Seaver
H. B. Bunnings
Dwight Martin

J. T. Whitting
Commissioners.