

Decision No. 21191.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

The City of Santa Barbara, a  
municipal corporation,

Complainant.

Vs.

Case No. 2648.

SOUTHERN PACIFIC RAILROAD COMPANY,  
a corporation,

Defendant.

S. J. Bingham, for City of Santa  
Barbara, Complainant.

D. M. Crossman, for Southern Pacific  
Company, Defendant.

BY THE COMMISSION:

O P I N I O N

In this complaint, the City of Santa Barbara asks that this Commission issue its order requiring Southern Pacific Company to construct a public crossing over its tracks at Alisos Street, in said city.

A public hearing was held in this matter before Examiner Williams on March 12, 1929, in Santa Barbara.

The Southern Pacific Company's tracks, in traversing the southerly portion of the City of Santa Barbara, cross Milpas Street at grade, a main northwest and southeast street in the city. Alisos Street is parallel to and one block northeast of Milpas Street. Puente Cordo Street runs at right angles to Milpas Street and Alisos Street and intersects Alisos Street immediately southeast of the proposed crossing.

Milpas Street is constructed across the railroad and serves as the main connection between the ocean beach, to the south, and the residential section of the city. Puento Gordo Street is also constructed at grade across the railroad, and protected with an automatic flagman. The crossing of Puento Gordo Street is located approximately one hundred and fifty (150) feet east from the proposed crossing of Alisos Street.

It is the contention of the city that, when the railroad was first constructed through Santa Barbara, a crossing was provided by proper city ordinances at Alisos Street, but testimony shows that no crossing has existed at this location for at least twenty years. It appears to the Commission, due to the fact that no crossing has existed for so long a period, that this matter should be considered in the light of a new crossing at grade. As a new crossing, it is justified by the testimony as an improvement over the dangerous use of the crossing at Puento Gordo Street, which is accomplished by a left turn over a private roadway and a sharp right turn over the tracks. The traffic using Alisos Street should have a direct crossing, which will permit removal of the hazards at Puento Gordo Street.

The city further contends that the one crossing at Milpas Street is not sufficient to properly handle the traffic flowing between the ocean beach and the city. This is largely due to the fact that the crossing involves eight tracks and vehicular traffic flow is interfered with by switching and train movements over the crossing. By the opening of Alisos Street across the railroad an additional traffic artery will be afforded which would relieve the Milpas Street crossing.

It has long been the policy of the Commission not to grant additional crossings at close proximity to existing grade

crossings. The record in this proceeding, however, indicates that the traffic along Puento Gordo Street is comparatively light. Assuming that the crossing at Alisos Street was opened, it appears that that traffic which now uses the Puento Gordo Street crossing could be diverted around one block and use the crossing proposed herein. Alisos Street south of the railroad has recently been improved with a high type of pavement and it is the plan of the city to pave this street north of the railroad.

With the exception of the crossings heretofore mentioned, there are no others in the immediate vicinity and none likely to be applied for on account of the fact that a lagoon is located to the east of Alisos Street and low swampy ground is located to the west of Milpas Street.

Southern Pacific Company did not seriously oppose the construction of the proposed crossing provided that the one at Puento Gordo Street be closed or the two be combined into one crossing.

It appears to the Commission that Alisos Street should be opened at grade across the railroad providing the crossing of Puento Gordo Street is closed.

At the location of the proposed crossing the railroad maintains two main tracks and one spur track leading to the stock corral west of Milpas Street. The spur track has its beginning, or switch layout, on the site of the proposed crossing. To properly construct this crossing the switch should be relocated. The record clearly shows that the corral spur could be connected to the round house lead west of Alisos Street and thereby remove it entirely from Alisos Street. The crossing at Puento Gordo Street is now protected by a wigwag signal, which should be moved to protect

the proposed Alisos Street crossing if constructed.

O R D E R

The City of Santa Barbara having filed formal complaint against Southern Pacific Company, asking that Southern Pacific Company be required to construct a roadway across its tracks at Alisos Street, a public hearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Santa Barbara to construct Alisos Street at grade across the tracks of Southern Pacific Company in the City of Santa Barbara, County of Santa Barbara, State of California, at the location as shown by the map (marked D-380) filed with the Commission February 15, 1929, and made a part of the complaint;

The above crossing shall be identified as Crossing No. E-371.9.

Said crossing shall be constructed subject to the following conditions and not otherwise:

(1) The entire cost of constructing the crossing shall be borne by the City of Santa Barbara. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by complainant. The maintenance of that portion of said 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 approximately sixty (60) degrees to the railroad and with grades of approach not greater than three (3) per cent; shall be constructed substantially in accordance with Standard No. 3 as specified in General Order No. 72

of this Commission; shall be protected by a Standard No. 1 crossing sign as specified in General Order No. 75 of this Commission and shall in every way be made suitable for the passage of vehicles and other road traffic.

(3) Prior to the beginning of actual construction on the crossing herein authorized, complainant shall file with this Commission a certified copy of the appropriate ordinance or resolution duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing public crossing of Puente Gordo Street, Crossing No. E-371.9, located approximately one hundred and fifty (150) feet east of the crossing herein authorized. Upon completion of the crossing herein authorized, and prior to its being opened to public use, the existing public crossing mentioned above shall be legally abandoned and effectively closed to public use.

(4) Said crossing shall be further protected by a Standard No. 3 wigwag, as specified in General Order No. 75 of this Commission. The cost of installation of said wigwag and its maintenance thereafter in good and first-class condition shall be borne by Southern Pacific Company.

(5) That portion of corral spur now occupying the site of the crossing, herein authorized, shall be removed at the sole expense of Southern Pacific Company before said crossing is constructed; said spur track to be removed within a reasonable length of time after the City of Santa Barbara has indicated its intention of proceeding with the construction of the crossing.

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

(7) 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.

(8) 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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 4th day of June, 1929.

Thos D. Lott

C. C. Seamy

Leon C. Whittell

M. J. Linn

Commissioners.