

ORIGINAL

Decision No. 22008

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the )  
 CITY OF EL CENTRO for an order authorizing )  
 the construction of a crossing of the ) Application  
 Southern Pacific Railroad by State Street ) No.15541  
 in the City of El Centro. )

Dorsey G. Whitelaw, City Attorney, City of  
 El Centro, for Applicant.

Hickcox, Trude and Johnson, by Ray Johnson,  
 for Southern Pacific Company, Protestant.

H. P. Meyer, for Imperial Valley Hardware  
 Company, Protestant.

J. J. Deuel, for Chamber of Commerce of  
 El Centro, Proponent.

BY THE COMMISSION -

O P I N I O N

The City of El Centro, a municipal corporation, herein petitions the Railroad Commission for an order authorizing the establishment of a crossing at grade over the right of way and tracks of the Southern Pacific Company at State Street in the city of El Centro, County of Imperial, the legal description of the location of said proposed crossing being as follows:

All that portion of the Southern Pacific Company's right of way lying between the north and south lines of State Street, in the City of El Centro, projected westerly across said railroad right of way in such manner as to unite the north and south lines of said State Street as the same exists on the easterly and westerly sides of said railroad right of way as shown by map recorded in Book 1, Page 19, of Maps, Imperial County Records.

Public hearings on this application were conducted by Examiner Handford at El Centro, the matter was duly submitted and is now ready for decision.

The City Council of the City of El Centro at a meeting held on October 17, 1928, authorized the filing of this application for a crossing of State Street in said city over the right of way and

tracks of the Southern Pacific Company, and by Resolution No.353 adopted at a regular meeting of said City Council on September 18, 1929, proposed to construct said crossing; to acquire by purchase or condemnation the necessary easements and right of way for such purpose; to pave the crossing and the unpaved portions of State Street adjoining said crossing.

The City of El Centro is traversed by the Southern Pacific Company's right of way and tracks, from the northwest to the southeasterly city limits. The most northerly crossing is at Commercial Avenue, two blocks southerly is Main Street, the principal thoroughfare and a portion of the highway system between San Diego and Yuma. The proposed crossing at State Street would be one block south, or approximately 315 feet from the Main Street crossing, and would cross the main line of the Southern Pacific Company at an angle of approximately  $71^{\circ} 30'$ . The third and remaining crossing in the City of El Centro is at Orange Avenue, approximately 1155 feet south of State Street, Orange Avenue being 70 feet in width with 24 feet of pavement at the point where it crosses the right of way and tracks of the railroad.

Traffic counts, made under the supervision and direction of P. W. Knights, City Engineer of the City of El Centro, were introduced as exhibits showing the vehicular and train movements at the respective crossings. This check was taken for a twenty-four hour period ending at 4:00 A.M. on June 26, 1929. The date is probably representative of the maximum present use of the crossings as the shipping season for melons was then at its height resulting in peak movement both for trucks and trains. These traffic checks show results as in the following abstracts:

<u>Crossing</u>	<u>Passenger Autos</u>	<u>Trucks</u>	<u>Trains</u>
Commercial Ave.	1529	358	319
Main Street	6165	1668	177
Orange Avenue	1293	468	124

The greater portion of the vehicular and train movement occurred between the hours between 8:00 A.M. and 8:00 P.M. as shown by the following tabulation covering such 12 hour period:

<u>Crossing</u>	<u>Passenger Autos</u>	<u>Trucks</u>	<u>Trains</u>
Commercial Avenue	1153	252	162
Main Street	4354	1122	88
Orange Avenue	930	346	52

Twelve witnesses, including the Mayor, Fire and Street Commissioners, members of the City Council, President and Vice President of the El Centro Chamber of Commerce, the present and former fire chiefs of the city and business men, testified regarding the necessity for the establishment of the proposed crossing at State Street. The Southern Pacific right of way and tracks separate the business section of the City of El Centro from the industrial section which is the location of the packing sheds devoted to the Canteloupe, melon, lettuce and vegetable industry. Main Street crossing is the one now used by the majority of the trucks and automobiles, and to relieve the traffic congestion at the Main Street crossing the additional crossing at State Street is desired. An additional reason in support of the application is to facilitate the apparatus of the El Centro fire department in responding to fires which may occur in the industrial section. The fire apparatus is stationed on State Street on the west side of the Southern Pacific tracks. In case of fire on the east side of the tracks, where are located the packing sheds and the majority of the industrial plants, a portion of the apparatus is sent via the Main Street crossing and the balance via the Orange Avenue crossing, the separation being made to avoid any possibility of delay by reason of either crossing being temporarily blocked by trains. Extra distance is thus required to be traversed and turns at street intersections are required to be made, all of which would be eliminated if the proposed State Street

crossing were to be opened, thereby permitting the fire department to make a direct run on State Street across the tracks to the center of the industrial and packing house district.

By ordinance of the council of the City of El Centro the operation of heavy trucks is prohibited on Main Street between Fourth Street and Eighth Street, the center of the retail business district. The operation of this ordinance results in the majority of the trucks using State Street and crossing the Southern Pacific tracks at the Main Street crossing, using South Street as a method of access to Main Street from State Street. The proposed opening of the crossing at State Street would enable trucks to go to and from the industrial and packing house district on the east side of the tracks by the use of State Street as a direct route.

The granting of the application is protested by the Southern Pacific Company and by the Imperial Valley Hardware Company.

The Imperial Valley Hardware Company, a corporation operating retail hardware stores in El Centro, Calexico, Holtville, Imperial, Brawley, Calipatria, Yuma, Somerton and Yuma Mesa, has its main warehouse on the west side of the Southern Pacific tracks in the city of El Centro, from which point goods are distributed to its retail stores. The warehouse is erected on property leased from the Southern Pacific Company and the main building, 62 by 200 feet, is located across State Street, and in the establishment of the proposed crossing would require to be removed, but a small portion being available for reconstruction. A spur track of the railroad, now serving this warehouse, would require removal, but a small portion being available if a portion of the warehouse could be continued in use. Howard P. Meyers, President of the Imperial Valley Hardware Company, testified regarding the expense estimated in rearranging facilities, moving, sorting and rearranging warehouse stock and the value of the lease for a ten year period, such items totaling \$24,725.00.

This witness testified that no other site was available on the right of way of the railroad where spur track facilities could be installed, and that while his company did not oppose the construction of the crossing, it expected reimbursement for the expense it would incur incident to the removal and reestablishment of its warehouse facilities.

The construction of the State Street crossing over the tracks of Southern Pacific Company would require the substitution of heavier rail to permit the installation of paving, certain track changes reducing the number of tracks at the crossing from eleven to eight, the establishment of an automatic crossing signal, and the removal and relocation of a water column and concrete pit. From an estimate filed herein as an exhibit the total expense of this work would approximate the sum of \$25,060.

We have carefully considered the evidence and exhibits constituting the record in this proceeding. It appears therefrom that it is applicant's desire for the authorization of the State Street crossing at grade to make available another direct street connecting the business section of El Centro, located on the west side of the Southern Pacific Company's right of way and tracks, with the industrial and packing house district located on the east side of the tracks. The establishment of the proposed crossing would also relieve congestion now alleged to exist at the Main Street crossing.

We are not convinced, from the record herein, that the granting of the application is justified. The proposed crossing is located but 300 feet from the present Main Street crossing and no unreasonable traffic delays have been shown to exist at such crossing which is protected by an automatic crossing signal and during the melon shipping season by a crossing watchman. No substantial complaint appears as to the blocking of Main Street crossing for unreasonable periods of time, when the heavy railroad traffic is considered. The record shows twenty

percent of the movement over Main Street crossing to consist of through trains, which at the peak of the shipping season consist of as many as 124 or 140 cars. Any of these trains which would block the Main Street crossing would also block the proposed State Street crossing, if established. In like manner switching of cars to be iced or after being iced, which are handled in blocks of twenty cars each, would when interfering with highway traffic on Main Street also interfere with the use of the State Street crossing. No satisfactory proposal for a change in operation as regards switching methods has been proposed, and it is essential for the prompt movement of melons, lettuce and other perishable commodities that such shipments be handled and forwarded to destination with the minimum of delay. An estimated expenditure of \$49,785, covering the track changes and moving of the water column on the Southern Pacific Company's right of way and the damage estimated for the relocation of the Imperial Valley Hardware Company's warehouse to which must be added the paving of State Street by the City of El Centro in the vicinity of the crossing is not justified by the record herein. An additional hazard would be created by thus establishing another crossing at grade at a distance of but three hundred feet from an existing crossing which has not been shown to be unreasonably congested or that substantial delays are present or customary.

At some future time and as the shipping and highway traffic develops in the City of El Centro, the crossing at State Street or some adjacent point may be necessary. Such crossing, however, should be made at separated grades thereby entirely eliminating the hazard of accident and offering the full and unobstructed use of both railroad and highway facilities at the point of crossing.

We therefore conclude and hereby find as a fact that public convenience and necessity do not require the establishment of a crossing, at grade, of the right-of-way and tracks of the

Southern Pacific Company at State Street in the City of El Centro, and that the application should be denied.

O R D E R

Public hearings having been held on the above entitled application, the matter having been duly submitted, the Commission being now fully advised and basing its order on the finding of fact as appearing in the opinion which precedes this order,

IT IS HEREBY ORDERED that this application be and the same hereby is denied.

Dated at San Francisco, California, this 14<sup>th</sup> day of

January, 1930

W. S. Lunt  
C. C. Beatty  
Frederick  
Leon Whitely  
W. J. Cunn  
Commissioners.