

ORIGINAL

Decision No. 22752

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the Matter of the Application )  
of the City of Stockton for authority )  
to make alterations in grade crossing )  
over the tracks of The Western Pacific ) Application No. 16375.  
Railroad Company and the Southern Pacific )  
Company at Harding Way. )

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J. Leroy Johnson, City Attorney of  
Stockton, for the Applicant.  
Roy G. Hillebrand, for Southern  
Pacific Company.  
L. M. Bradshaw, for The Western  
Pacific Railroad Company.

LOUTTIT, COMMISSIONER:

O P I N I O N

This is an application of the City of Stockton for authority to make alterations in the grade crossing over the tracks of The Western Pacific Railroad Company and the Southern Pacific Company at Harding Way in that City. A public hearing was held at Stockton on June 20, 1930.

Harding Way is an east and west street approximately ninety (90) feet in width at the northerly city limits of the City of Stockton, lying at the points where it crosses the main line tracks of Southern Pacific Company and The Western Pacific Railroad Company, partly in the city and partly in the unincorporated portion of the County of San Joaquin. That portion of the thoroughfare which lies in the county, including the crossings with both railroads, has been improved and travelled for many years. In the case of The Western Pacific Railroad Company, at least, the street antedated the construction of the railroad.

The southerly portion of the right-of-way of Harding Way, which lies in the City of Stockton, was formerly used for a canal for drainage purposes, this canal extending along the entire northerly limits of the City. This waterway has now, however, been filled in and the street paved for a width of approximately 62 feet the entire distance, with the exception of a section about 800 feet in length between Palm Avenue and Stanford Avenue. The crossings with the railroads lie in this section and for this distance oil macadam pavement 23½ feet in width along the route of the original County Road is provided. The remainder of the right-of-way, however, including the crossing with the Western Pacific track, is graded and passable, with the exception of a narrow strip crossing the Southern Pacific Company's tracks. That Company has erected a barrier on each side of its tracks 45.7 feet in length, thereby closing the southerly half of the street to public use. It is the desire of the city that this barrier be removed and the crossing of the Southern Pacific tracks widened to conform with the adjacent portions of the street. At the hearing the applicant stated that no changes to the Western Pacific crossing were necessary.

Harding Way is an arterial street connecting with several important highways leading to the north and east from Stockton, among them being the two main highways between Stockton and Sacramento. The crossing involved in this proceeding is the only crossing between Wests Lane on the north and Park Street on the south, a distance of 6,600 feet. It carries a traffic of approximately 5,500 vehicles per day which, because of the width of the roadway and the absence of congested inter-

sections, moves at relatively high speed for city traffic.

On the day of the traffic count, which was submitted in evidence, Southern Pacific Company operated twenty-seven trains and eight switching movements over the crossing. This count was made in April, 1930, and it is possible that at other seasons of the year the railroad traffic would be heavier. Many of the trains were capacity freight trains, moving at relatively slow speeds and blocking the crossing for several minutes. The crossing is now protected by a single wigwag located in such a position that it is not clearly visible to all vehicular travel approaching the crossing.

It is apparent that conditions at this point require the widening of the crossing as requested by the city. Southern Pacific Company does not object to this widening but takes the position that, in so far as the City of Stockton is concerned, the crossing is a new crossing and the cost of construction should be assessed to the applicant, in accordance with the established practice of the Commission. Harding Way or, as it was formerly known, North Street, was laid out and dedicated as a single street and the fact that originally only a portion of it was improved and that portion happened to lie outside of the city limits should not foreclose the city from making use of its portion of the right-of-way when traffic conditions so warrant. This matter should be considered as the widening of an existing crossing.

The Commission has on several occasions recited that the construction of a railroad through a territory creates a barrier to intercommunication between the separated portions and

that there is an obligation on the part of such a railroad to restore, as nearly as practicable, the same degree of accessibility previously enjoyed as is reasonably consistent with public convenience and necessity. In the present instance it is no doubt true that for many years the narrow roadway was adequate for all travel between the separated portions of the community at this point but when the growth of the territory, and it is reasonable to presume that the carrier has profited in such growth, requires a crossing of greater width or of more improved type or having better protection, it is an obligation on the part of the Railroad Company to provide the same. The City of Stockton has or contemplates the improvement of the entire width of the roadway outside of the limits of the crossing. It is, therefore, concluded that in the present instance the cost of widening this crossing should be borne by Southern Pacific Company.

This is a double track main line over a crossing of considerable importance and it appears that the crossing is frequently blocked by freight cars passing over it. The hazard of vehicles colliding with the sides of trains at night at crossings of this nature is obvious. At crossings of even lesser importance than this, with double track main lines, the Commission has required the installation of two wigwags with second train indicators and it is our opinion that even if the crossing were not widened such protection should be provided at Harding Way. The Commission's order in this proceeding should require such

an installation at the expense of Southern Pacific Company.

The Western Pacific Railroad Company operates a single track main line with considerably fewer train movements. The vehicular movements over the two crossings are, however, the same. The view at the Western Pacific crossing is partially obscured and it is recommended that an automatic wigwag be installed at this crossing.

The following form of order is recommended:

O R D E R

The City of Stockton having applied to the Commission for an order permitting the alteration of the grade crossing of Harding Way with the tracks of The Western Pacific Railroad Company and Southern Pacific Company in the City of Stockton, County of San Joaquin, and for such other order as may be meet and just in the premises, a public hearing having been held, the matter being submitted and the Commission being apprised of the facts,

IT IS HEREBY ORDERED that Southern Pacific Company be and it is hereby directed to improve the crossing of Harding Way with its tracks (Crossing No. D-92.0) by the construction of a crossing conforming with Standard No. 2, as set forth in the Commission's General Order No. 72, to the full travelled width of said Harding Way.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company be and it is hereby directed to protect said crossing of Harding Way with its tracks by two automatic wigwags conforming with Standard No. 3 of the Commission's General Order No. 75 and to equip said wigwags with devices which give proper and

adequate warning of the approach of a second train.

IT IS HEREBY FURTHER ORDERED that The Western Pacific Railroad be and it is hereby directed to protect the crossing of Harding Way with its main line track in the City of Stockton, (Crossing No. 4-94.7) by an automatic wigwag conforming with Standard No. 3 of the Commission's General Order No. 75.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company and The Western Pacific Railroad Company be and they are hereby directed to complete the installation of the above ordered improvements within ninety (90) days from the date of this order.

The Commission reserves the right to make such further orders in the above entitled proceeding as to it may seem right and proper.

For all other purposes, the effective date of this order shall be twenty (20) days from the date hereof.

The above entitled opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 5<sup>th</sup> day of August, 1930.

Clarence  
Edward  
Leon  
Mark

Commissioners.