

Decision No. 23099

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of  
THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY, a corporation, for  
the vacation and closing of that  
portion of Tyson Street, in the City  
of Oceanside, County of San Diego,  
extending over and across the tracks  
of Applicant.

ORIGINAL

Application No. 16660

M. V. Reed, for Applicant

E. A. Walsh, J. C. Hizer, E. D.  
Brodie and E. L. Forney, for  
City of Oceanside, Protestant

BY THE COMMISSION:

O P I N I O N

The Atchison, Topeka and Santa Fe Railway Company requests an order authorizing and requiring the vacation and closing of that portion of Tyson Street in Oceanside extending across applicant's tracks. It alleges that the crossing is unusually hazardous both to the public and to the railroad.

Tyson Street is crossed by applicant's main line track between Los Angeles and San Diego, one side track and two storage tracks. The nearest crossing to the north is Third Street, a distance of approximately 1600 feet, and to the south is Wisconsin Avenue, a distance of approximately 2000 feet.

The beach of the Pacific Ocean is parallel to and approximately 650 feet west of the railroad tracks. The

main business section of Oceanside is within an area bounded by Second Street on the south, Fifth Street on the north, Nevada Street on the east and Pacific Street on the west.

Tyson Street cuts through that portion of applicant's right of way now being used as a storage and switching yard. Cars have been placed within 24 feet apart at this crossing, thus cutting off the view of approaching trains. Third Street and Wisconsin Avenue are constructed westerly to the beach, while Tyson Street terminates at Pacific Street. From the testimony of H. D. Brodie, City Councilman, it appears that proceedings are practically completed to open Tyson Street to Cleveland Avenue, and consideration has been given to the extension of Tyson Street to the beach.

Two accidents have occurred at the crossing since January 1, 1926, one resulting in personal injuries.

City of Oceanside protests the closing, alleging that Southern California Railway Company, predecessor of applicant, in 1890 dedicated the crossing for street purposes in consideration of the closing of other streets and crossings, and that public convenience and necessity require its continued maintenance. Several petitions were presented protesting the granting of the application.

Traffic checks were introduced by applicant and by the city. W. M. Johnson, Chief of the Oceanside Fire Department, testified that to close the crossing would handicap fire apparatus and that on trial runs the crossing at Third Street has sometimes been found blocked.

H. D. Brodie further testified that the crossing has been used since prior to 1886, and considers Third Street

a greater hazard than Tyson.

Applicant's three witnesses all stated that switching movements are hindered because of the crossing being open. Tyson Street is in the center of the residential district.

After careful consideration of the record adduced at the hearing we are of the opinion and find as a fact that the Tyson Street crossing is not so unduly hazardous as to warrant an order directing its closing, and that public convenience and necessity require its continued maintenance.

O R D E R

A public hearing herein having been held before Examiner Gannon at Oceanside and the matter submitted,

IT IS HEREBY ORDERED that Application No. 16660 is hereby denied.

Dated at San Francisco, California, this 21st day of November, 1930.

*A. L. Harvey*

*John A. O'Leary*  
*W. D. Smith*

*M. A. Lee*  
Commissioners