

ORIGINALDecision No. 28161.

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 Southern Pacific
Railroad by State Street in said City
of El Centro.

Application No. 16744.

Dorsey G. Whitelaw, City Attorney,
for Applicant.
Hickcox and Trude, by Ross T. Hickcox,
for Southern Pacific Company,
Protestant.
J. J. Deuel, for Chamber of Commerce
of El Centro, Proponent.
H. P. Meyer, for Imperial Valley Hard-
ware Company, Protestant.

CARR, COMMISSIONER:

O P I N I O N

In this proceeding, the City of El Centro asks for authority to construct State Street at grade across the main line tracks of Southern Pacific Company in said city in the County of Imperial, State of California.

A public hearing was held in this matter at El Centro on October 15, 1930.

In a former proceeding, Application No. 15541, like permission was requested and the Commission in its Decision No. 22008, dated January 14, 1930, denied the application.

At the hearing in the instant proceeding, it was

stipulated by the parties that the record in Application No. 15541 be considered in evidence. The new evidence was largely confined to showing the changed conditions subsequent to the hearing in Application No. 15541.

A review of the physical conditions will not be related here as they were completely covered in the opinion in Decision No. 22008.

In support of the needs for a crossing at State Street, applicant submitted an exhibit showing the traffic at the three existing important crossings over the Southern Pacific Company's tracks at El Centro, i.e., Commercial Avenue, Main Street and Orange Avenue. An analysis of this exhibit indicates that the traffic over these crossings in October, 1930, was substantially the same as in June, 1929, (Exhibit No. 2, Application No. 15541), but due to the fact that the traffic in June is normally much heavier than in October on account of the melon movement these checks indicate that vehicular traffic over these crossings is on the increase.

As in the previous proceeding, the granting of this application was opposed by Southern Pacific Company on the ground that the volume of traffic using the existing crossings did not justify an additional crossing with its attending hazard only one block removed from the Main Street crossing; that a rearrangement of its facilities would be necessary to accommodate the crossing at a considerable expense which was not justified by the benefits to be derived; and, that this additional crossing would interfere with and restrict train operations.

There is no question under the record that the Main

Street crossing is badly congested. Conditions are getting worse. They should be relieved. While theoretically it would seem that truck traffic could and should flow over some of the other crossings, the fact is that it does not but instead seeks the Main Street one in constantly increasing volume.

In a community like El Centro the existence of crossings undoubtedly exerts a decided influence on the way it develops. With traffic centering as it does at Main Street, a one street town is in prospect.

Here there is apparently a strongly crystallized community desire to open up State Street. Plans are in contemplation to connect it on the east with the Main Highway so that traffic will divide. Not only the City but the Chamber of Commerce is actively urging that the application be granted. An imposing number of leading citizens testified to its need. While its cost will be unusually high, some estimates running as much as \$60,000., the community seems ready to assume the full amount. The entire record negatives the demand for the crossing to be of a temporary or passing nature.

While upon the record the application could, with justification, be either granted or denied, a proper regard for the strong desire and insistence of the community dictates that any doubt should be resolved in favor of according the City of El Centro the right to shape its development as the apparent matured and unanimous sentiment insists it should be shaped.

In the event this crossing is constructed, it should be provided with some form of special protection. The testimony

clearly indicated that the protection of this crossing should be considered in connection with that at the adjacent crossings at both Main Street and Commercial Avenue.

Applicant should reasonably be required to bear the cost of installation of the protective devices installed at the State Street crossing, authorized herein, and the Southern Pacific Company the cost of maintaining the same.

I recommend the following form of order:

O R D E R

A public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that the City Council of the City of El Centro, in the County of Imperial, State of California, is hereby authorized to construct State Street at grade across the tracks of Southern Pacific Company at the location more particularly described in the application and as shown by the map (Exhibit "A") attached thereto, subject to the following conditions, and not otherwise:

- (1) The above crossing shall be identified as crossing No. EN-699.6.
- (2) The entire expense of constructing the crossing shall be borne by applicant. 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 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. No portion of the cost herein assessed to applicant for the construction or maintenance of said crossing shall be assessed by applicant, in any manner whatsoever, to the operative property of Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than forty (40) feet and at angle to the

railroad as shown on the map (Exhibit "A") attached to the application and with grades of approach not exceeding three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by two Standard No. 1 crossing signs, as specified in our General Order No. 75, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Applicant shall bear the entire cost of the installation of a special protective device or devices, later to be approved by the Commission, for the protection of said crossing of State Street. The cost of maintenance of said safety device or devices shall be borne by Southern Pacific Company.
- (5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (6) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

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

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

CC Seavey
Ernest J. Smith
Leon O. Whittell
Paul J. Howard
M. J. Carr

Commissioners.