

ORIGINAL

Decision No. 22151

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 CITY OF SANGER, a municipal corporation)
 of the 6th class, to obtain a right-of-) Application
 way for a street across the Southern) No. 16778
 Pacific Railway's right-of-way in the)
 City of Sanger at 8th Street.)

Samuel F. Hollins, City Attorney, for Applicant.

H. W. Hobbs, for Southern Pacific Company, Protestant.

BY THE COMMISSION -

O P I N I O N

The City of Sanger, a municipal corporation, has petitioned the Railroad Commission for an order granting authority for the applicant to construct a crossing at grade across the tracks of the Southern Pacific Company at 8th Street in the City of Sanger.

A public hearing on this application was conducted by Examiner Handford at Sanger, the matter was duly submitted and is now ready for decision.

The main track of the Fresno branch of Southern Pacific Company extends through the City of Sanger in a general northerly and southerly direction and at the point of proposed crossing the right of way occupies the entire tier of blocks between "L" and "M" Streets, two north and south streets. The greater portion of the City of Sanger and the principal business district lie to the west of the railroad tracks, the business section being principally along 7th Street, immediately west of the railroad.

The present traveled route out of the City of Sanger to the west is by way of 7th Street. To the east of the city there is but one outlet, that being ^{by} way of a County Road connecting with 8th Street and leading to the agricultural district east of the city and to Kings Canyon and General Grant

National Park. Eighth Street is open and paved from the easterly city limits to the easterly right of way line of the railroad at "L" Street and it is also open to travel west of the railroad's right of way to the westerly end of the street. The block between "L" and "M" Streets and crossing the railroad right of way is not, however, open, crossings being maintained at 7th Street and at 9th Street 400 feet north and south, respectively. It is therefore necessary for travel entering the city from the east along 8th Street to detour one block to the north or to the south in order to effect a crossing of the railroad tracks, the usual route being by way of "L" Street, which is paved between 7th and 9th Streets.

The city desires to open 8th across the tracks. The chief advantage such a crossing would give as set forth at the hearing is that it would permit the city to adopt a trucking ordinance requiring all heavy trucking passing through the city to use the 8th Street route instead of along 7th Street through the business district. It is also claimed that this crossing would shorten the distance for travel to and from districts to the east of the city and would reduce the number of turns required in reaching the packing houses at Sanger, most of which are located on railroad property along the easterly side of "M" Street. The opening of the 8th Street crossing would also stimulate business along 8th Street, according to some testimony in the record.

Southern Pacific Company maintains six tracks at the point of crossing and on the westerly side of this property facing "M" Street the company owns two packing houses which lie within the limits of the proposed extension of 8th Street and if the street is constructed through the block these packing houses would have to be moved or at least partially removed. The normal main line movements at this point are relatively few, there being but one passenger train and one freight train in each direction daily. During the fruit packing and shipping season, however, which extends from August to November, there is considerable switching

in the Sanger yard, the number of movements daily at 8th Street varying from thirty to fifty, with an average daily movement of forty four during the heavy months.

Southern Pacific Company protested the granting of this application. The opening of 8th Street would materially shorten the length of its storage tracks in Sanger; require that cars be left in shorter cuts; delay the spotting and pulling of cars from the various packing sheds; and do away with one of its team tracks. In addition, it would be necessary for them to find other locations for the two industries occupying the packing houses which would require to be removed.

From testimony produced at the hearing, it appears that the proposed crossing would cost between \$4000.00 to \$7500.00, depending on the width and type of construction used. In addition to this there would be the cost of paving 8th Street outside of the track areas between "L" and "M" Streets and the cost of the easement across Southern Pacific Company property. Neither of these costs appear in the record.

This Commission has heretofore held that a showing of more than usual public convenience and necessity should be made before it would authorize a crossing at grade through the middle of a railroad yard. Such crossings present unusual hazards, such as the possibility of vehicles colliding with the sides of cars at night, the frequent back-up movements and switching of detached cars and the storing or spotting of cars on yard tracks usually obstruct the view of train movements on adjacent tracks. Crossings in yards often require special protection which, in order to be effective, is sometimes unduly expensive. In addition, such crossings often deprive the railroad of valuable industrial property and interfere materially with their operations. Unless the public is seriously inconvenienced and required to make long detours to adjacent crossings, new crossings should not be opened in railroad yards.

In the present case there is an open public crossing 400 feet on either side of the proposed crossing and the maximum additional distance a vehicle is required to travel is 800 feet and that for a very limited number of vehicles. Seventh Street being the main business street of Sanger it is reasonable to presume that most of the travel in and out of the town has occasion to pass over this street and can use the 7th Street crossing without inconvenience. It also appears that less than five percent of the fruit packed at Sanger, in packing houses between 7th and 9th Streets, enters the city by way of 8th Street, and that for fruit destined to other packing houses the proposed crossing would not shorten the distance. In general, it may be said that the opening of 8th Street would effect slight, if any, saving in distance to travel having occasion to cross the track and that the only saving would be in the number of turns necessary in the route in and out of town. We have therefore reached the conclusion that the proposed crossing of 8th Street with Southern Pacific tracks is not justified and the application will accordingly be denied.

O R D E R

A public hearing 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 conclusion as set forth in the opinion which precedes this order,

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

Dated at San Francisco, California, this 10th day of December 1930.

E. S. J. J.
W. J. J.
Leon J. J.
W. J. J.
W. J. J.
/COMMISSIONERS.