

Decision No. 23372.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application
of the City of Oxnard for an
order authorizing the improvement
of grade crossing No. E 407.4
over the Southern Pacific Company's
Line.

Application No. 17026.

ORIGINAL

Chas. F. Blackstock, City Attorney,
for Applicant.

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

HARRIS, COMMISSIONER:

O P I N I O N

In this proceeding the City of Oxnard requests permis-
sion to open First Street at grade across the tracks of Southern
Pacific Company as a public crossing.

A public hearing was held at Oxnard on January 20th,
1931.

Southern Pacific Company's single main track (Coast
Line) traverses the northeast portion of the City of Oxnard, enter-
ing from the north parallel to and immediately east of Oxnard
Boulevard and continuing east parallel to Fifth Street. These two
sections of railroad, which are approximately at right angles, are
connected by a three degree curve. In addition to the main line
track through the city, there are a number of side and spur tracks
constructed to serve the industries along the line.

The business section and residential district of the

City of Oxnard are located to the south and west of the railroad, while the section to the northeast is devoted largely to small residences (Ramona Gardens) with industries adjacent to the track.

At this time there are three open crossings over Southern Pacific Company's tracks in the City of Oxnard; namely, Colonia Road, First Street and Third Street, each of which are east and west streets. Colonia Road is located about 580 feet to the north of First Street, while Third Street is located some 850 feet to the south. Colonia Road and Third Street are old established public crossings. In this proceeding the city seeks authority to have the First Street crossing declared a public crossing. The record shows that traffic has been permitted to flow over the tracks at First Street for a number of years; however, the company did, at one time, erect gates at this crossing which are still in evidence but have not been closed for a period of some two years.

Applicant's Exhibit No. 2 shows the following traffic over the railroad at the three crossings in Oxnard on the dates indicated:

	Monday, January 19, 1931 8:00 to 12:00 A.M., and 1:00 to 5:00 P.M.			Saturday, January 17, 1931 1:00 to 5:00 P.M.		
	<u>Colonia Road</u>	<u>First Street</u>	<u>Third Street</u>	<u>Colonia Road</u>	<u>First Street</u>	<u>Third Street</u>
Pedestrians,	38	106	230	33	84	93
School Children,	119	337	59	-	-	-
Cars,	366	223	162	177	124	80
Trucks,	163	78	90	54	78	33
Totals,	686	744	541	264	286	206

It appears that there are some 600 people residing in the tract known as Ramona Gardens to the north and east of the rail-

road. The traffic count indicates that the use of the First Street crossing is comparable with the other two crossings and the record shows that the First Street crossing not only accommodates the traffic to and from the residences of Ramona Gardens, but also that to and from the industries located to the east of the railroad.

It was contended by the railroad that the traffic using the First Street crossing could cross the tracks at either of the adjacent crossings, as there is a parallel road on each side of the track; namely, Oxnard Boulevard on the west and Harrison Street on the east. Oxnard Boulevard is an important city street connecting with the State Highway to the north and south of the city. Testimony indicates, however, that Harrison Street is unimproved and almost impassable during the rainy season and the industries and residents adjacent to Third Street depend upon this crossing for an outlet over the railroad. The testimony shows that there is no plan at this time to have Harrison Street improved.

Traffic on the railroad consists of eight regular passenger trains and two freights each way per day and, in addition, extra freight trains, the number of which depends upon the business. During the months of August, September and October, a considerable amount of local switching is performed at Oxnard, which involves movements over the three grade crossings in the city.

At this time there are no special protective devices installed at any of the grade crossings in Oxnard. The number of side tracks and frequent switching operations during certain periods of the year present conditions which complicate any plan for automatic protection; however, these conditions do not present an unsurmountable problem but add materially to the cost of installing and maintaining a suitable system of automatic signals, which expenditure would be justified on important highway crossings.

After carefully considering the record in this proceeding, it appears that public convenience and necessity require the granting of this application.

From the testimony, it appears that some protection should be afforded the traveling public at the First Street crossing. The cost of automatic protection hardly seems justified at this time, considering the small amount of traffic using the crossing. It would seem appropriate, however, that stop signs should be placed on each side of the track requiring drivers to stop before crossing the railroad. This should be considered as a means of affording the traffic some protection until a suitable system of warning devices can be worked out for the three grade crossings at Oxnard.

The following form of order is recommended:

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 Oxnard, County of Ventura, State of California, is hereby authorized to construct First Street at grade across the tracks of Southern Pacific Company at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as a portion of Crossing No. E-407.4.
- (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 twenty-four (24) feet and at an angle of ninety (90) degrees to the railroad and with grades of approach not greater than four (4) per cent; shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72; shall be protected by a Standard No. 1 crossing sign, 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) Said crossing shall not be opened to public use until applicant shall, by proper authority, cause to be erected on each side of said crossing an appropriate sign, requiring all vehicles to stop before crossing over said crossing. Said signs shall be located and either directly or indirectly illuminated at night so as to be easily visible by motorists approaching said crossing.
- (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.
- (7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing, as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

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

The foregoing opinion and order is 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 9th day of February, 1931.

Cl. Amery
Leon Whidley

W. A. Carr

M. B. Harris

Fred G. Stevens

Commissioners.