

ORIGINAL

Decision No. 25812

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of Application of
THE CITY OF SANTA BARBARA, a municipal corporation, of and in the
State of California, for an Order
of and from the above entitled
Railroad Commission authorizing
the construction in the City of
Santa Barbara of a public street at
grade across the railroad right-of-
way and railroad tracks of the
Southern Pacific Railroad Company.

Application No. 18501.

J. F. Goux, City Attorney, for Applicant.
E. W. Hobbs, for Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Santa Barbara requests permission to construct Pueblo Street at grade across the main line track of Southern Pacific Company in said city.

A public hearing was held in this matter before Examiner Johnson, in Santa Barbara, on March 18, 1933.

Southern Pacific Company's main line track (Coast Line) runs in a general easterly and westerly direction through the western part of the city. At the present time there is located a grade separation, known as Los Pacitos Road, over Southern Pacific Company's track at the western city line, half of which is in the county and half in the city; proceeding easterly, the next crossing is the grade crossing of Mission Street located approximately 4,000 feet east of this separation. It is proposed by the city to construct Pueblo Street at grade across Southern Pacific Company's track, between the grade separation and Mission

Street, to be located approximately 1,750 feet west of the Mission Street crossing.

Modoc Road runs parallel to and is located approximately 700 feet south of the railroad. It serves that portion of the city south of the railroad, between Mission Street and Los Pacitos Road. The La Cumbre Junior High School is located on the south side of Modoc Road at Pueblo Street produced. This is a new high school which serves the northwestern portion of the city. That portion of the city in the vicinity of this high school is developed almost entirely as a residential area, whereas that portion of the city north of the railroad is devoted to both residences and business. The majority of the students of the junior high school are drawn from the residential area north of the railroad.

It is the proposal of the city to extend Pueblo Street from its southerly end north of the railroad to the junior high school, crossing the railroad at grade. The record shows that at the present time large numbers of students attending this high school from the north cross the private right of way of the railroad at various and sundry dangerous points in the immediate vicinity of the proposed crossing and that those students driving to the school must either use Mission Street or the overhead bridge at Los Pacitos Road to reach the school.

It is the contention of applicant that the construction of Pueblo Street across the railroad is necessary to permit traffic to cross the railroad, particularly students and faculty in going to and from the school, both on foot and by conveyance. The Pueblo Street route would materially shorten the distance for a large number of these people, particularly those living north of the railroad and west of Mission Street. It was further contended that

by routing this traffic over Pueblo Street the congestion which is now experienced at the intersection of Modoc Road and Mission Street and also in front of the high school would be materially lessened.

At the location of the proposed crossing, one track of Southern Pacific Company is crossed and the view of approaching trains from either direction is reasonably clear, with the exception of a few trees which grow along the right of way fence and which could readily be removed. At Mission Street a double track line of the railroad is crossed and the view of approaching trains at that location is quite materially obscured both by obstructions and curvature. The City urged that a crossing at the proposed location would be much safer for the particular use of traffic going to and from the school, as well as for the general traveling public, than the Mission Street crossing would be, but it was shown that both crossings were reasonably necessary for the use of the general public.

Southern Pacific Company objected to the construction of this crossing on the ground that the existing crossings were sufficient to meet public convenience and necessity for access over the railroad in that territory.

After a review of the record in this matter, it appears that public convenience and necessity require the establishment of a crossing as applied for by applicant. Both applicant and the railroad showed that if the application is granted, automatic wig-wag protection should be established at this point.

Applicant contended that the entire cost of constructing this crossing should be borne by the railroad. It has been the

Commission's policy for a great many years, in applications of this sort, to assess the cost of construction to the applicant and it appears there is no justification to deviate from this practice in this instance and the Order will so specify.

O R D E R

A public hearing having been held and the matter being under submission,

IT IS HEREBY ORDERED that the City Council of the City of Santa Barbara, in the County of Santa Barbara, State of California, is hereby authorized to construct Pueblo Street at grade across the track of Southern Pacific Company at the location as shown by the map, Exhibit "2", filed in this proceeding, subject, however, to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. E-368.4.
- (2) The entire cost 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 rails shall be borne by applicant. Maintenance of that portion of the crossing between lines two (2) feet outside of the 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) Said crossing shall be constructed of a width of not less than twenty-four (24) feet and at an angle to the railroad as shown on Exhibit "2", 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 and by one Standard No. 3 wigwag signal, as specified in our General Order No. 75-A, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Applicant shall cause to have removed all trees along the right of way fence of the railroad for a distance of not less than three hundred (300) feet in both directions from 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.

Dated at San Francisco, California, this 10th day of April, 1933.

O. C. Seavey
Leon Whitwell
M. J. Curran
M. B. Quinn
Walter W. ...
Commissioners.