

Decision No. 11448

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the CITY OF DELANO, a municipal corporation, for permission to construct a crossing upon a public street over and across the right of way and the main line of the Southern Pacific Railroad Company, a corporation, and the Southern Pacific Company, a corporation, within the incorporation limits of the City of Delano, California.

Application 7407

In the matter of the investigation on the Commission's own motion of the safety and necessity of the several public grade crossings over the tracks of the Southern Pacific Company in the City of Delano, County of Kern, State of California.

Case 1800.

Allen B. Campbell, J. C. Dorsey and W. P. Grijalva
for the Board of Trustees of the City of Delano.
Frank E. Green for the Delano Chamber of Commerce.
H. E. Gogarty and E.T. Langdale for Southern Pacific Co.

BY THE COMMISSION.

OPINION

The above Application, No. 7407, is for authority to install a crossing at grade over the tracks of the Southern Pacific Co. at Fourth Avenue, Delano, and Case No. 1800 is the Commission's investigation of the general grade crossing situation in Delano. Examiner Westover held public hearings upon both matters at Delano.

The tracks extend north and south through Delano paralleling 7th Street to the west and 8th Street to the east, which is also the route of the paved state highway which crosses the tracks at an angle of about 45° near the southern city limits, and about 1500 feet south of the proposed crossing at 4th Avenue

described in application No. 7407.

The present public crossings in Delano are at 11th, 12th and 13th Avenues, which are 480 feet apart, and at Cecil Street, about 1200 feet north of the 13th Avenue crossing. The principal east and west roads leading into Delano are the paved Porterville Highway, extending easterly from 4th Avenue several miles and thence northerly to Porterville, about 30 miles away, and an unpaved county road extending westerly from 4th Avenue some 6 or 8 miles; and a road extending for several miles east and west which crosses the tracks at Cecil Street ^{at the northerly city limits.} The main street of Delano is 9th Street and the principal east and west cross street 11th Avenue.

The principal shipments from Delano are canteloupes, water-melons and lettuce, a traffic which the testimony shows is increasing very rapidly. It appears from the testimony of the President of the Melon Growers Association that nearly all of this traffic is from the territory east of Delano and that it comes in on the two roads above described and is destined for the lettuce packing plant west of the tracks near 10th Avenue, where most of it is loaded, although there is some testimony in the record to the effect that a good many water-melons are loaded direct to the cars on the new siding which serves the packing plant, at points between it and 6th Avenue. He also testifies that he contemplates building a packing plant on property owned by him a short distance north of 4th Avenue and west of the tracks in Block "P" if the 4th Avenue crossing is to be opened. There are two cement pipe yards and the yards of the State Highway Commission between the tracks and 7th Street and 5th and 7th Avenues. There is a private crossing just north of 7th Avenue about 1800 feet south of the 11th Avenue crossing over the property of the Southern Pacific Company and Union Lumber Company, which

crossing the lumber company proposes to close. The manager of the lumber company estimates the travel over it at 25 autos per day beside 8 or 10 trucks per day during the winter season hauling cement pipe from the two yards. Most of this traffic, it is anticipated, would use the proposed 4th Avenue crossing if it were installed. The territory between 4th Avenue and 11th Avenue, it is anticipated by witnesses, will eventually be used principally for packing and shipping facilities.

The loading corral is east of the tracks between 8th and 9th Avenues and the principal slaughter house is some distance west of 4th Avenue on the county road leading from it. It appears from the testimony that cattle are driven in from the east and west along this road and the Porterville Highway for loading at the corral and for slaughter at the slaughter house, the owner testifying that he buys cattle for slaughter at points several miles east of Delano tributary to the Porterville Highway.

The high school is located to the east of the tracks, the grammar school to the west of the tracks just south of 13th Avenue and north of 12th Avenue, and a second grammar school is under construction to the east of the tracks which when completed will eliminate the necessity for a considerable portion of the present school traffic across the railroad both on foot and in busses. Most of the business houses and residences of Delano are east of the tracks.

The Cecil Street crossing and the 13th Avenue crossing, about 1200 feet to the south of it, cross only the main line track; the 12th Avenue crossing crosses two tracks while the 11th Avenue crossing is over four tracks and the proposed crossing, about 3200 feet south, is also over four tracks. The view at Cecil Street,

13th Avenue, and 12th Avenue is practically unobstructed; but at the 11th Avenue crossing there is a large warehouse on the southeast corner extending to within 10 feet of the side-track on which standing cars may still further obstruct the view. The view at the northeasterly corner is also partly obstructed by a small building and tree, both on Southern Pacific property, both of which could undoubtedly be readily removed. At the proposed 4th Avenue crossing the view would not be seriously obstructed, except when cars stand on the sidings adjacent to the main line track.

The Southern Pacific objects to the granting of this application on the ground that the installation of this second crossing through its yards will constitute an additional hazard and impede traffic because it will involve cutting many westbound freight trains while necessarily stopping to take water at Delano. A check of twelve days shows that an average of nine passenger and eight freight trains per day are operated through Delano. Of these there were an average of three westbound freight trains daily, sufficiently long to block the proposed crossing when taking water. It also appears from the testimony that more trains are worked in that part of the yard and there is apt to be more obstruction to view from standing cars, than at 11th Avenue.

At the first hearing upon Application 7407 a question arose as to the need for an additional crossing and as to the desirability of closing at least one of the present crossings if the additional crossing were opened, and whether the general question of grade crossings in Delano could be inquired into under the application. The Commission therefore instituted an investigation of the situation under Case No. 1800, and the entire crossing situation in Delano was gone into at the second hearing.

Meanwhile traffic counts at the 11th, 12th and 13th Avenue crossings were prepared, those in June and July by the Southern Pacific Company at the request of the Commission, and those in October and November by the City. The results of these are shown in the following table:

TRAFFIC AT GRADE CROSSINGS IN THE CITY OF DELANO
AT ELEVENTH, TWELFTH AND THIRTEENTH AVENUES

<u>Date</u>	<u>Vehicles</u>	<u>Occupants</u>	<u>Pedestrians</u>
<u>Eleventh Avenue</u>			
June 28, 1922	569		230
July 13, 1922	421		385
July 16, 1922	359		341
Oct. 19, 1922	255	360	462
Oct. 20, 1922	221	360	475
Oct. 26, 1922	259	402	552
Oct. 27, 1922	199	370	335
Nov. 2, 1922	208	362	484
Nov. 3, 1922	186	306	575
Average	275	360	426
<u>Twelfth Avenue</u>			
June 28, 1922	88		67
July 13, 1922	99		88
July 16, 1922	43		33
Oct. 19, 1922	166	223	275
Oct. 20, 1922	121	223	252
Oct. 26, 1922	162	284	241
Oct. 27, 1922	102	160	161
Nov. 2, 1922	136	270	224
Nov. 3, 1922	128	181	238
Average	116	223	175
<u>Thirteenth Avenue</u>			
June 28, 1922	47		5
July 13, 1922	62		11
July 16, 1922	24		11
Oct. 19, 1922	98	330	102
Oct. 20, 1922	111	324	110
Oct. 26, 1922	96	330	111
Oct. 27, 1922	75	300	63
Nov. 2, 1922	83	325	116
Nov. 3, 1922	84	307	115
Average	76	319	71

Note: Counts on June 28, July 13 and July 16 were for hours of from 6 a.m. to 6 p.m. Counts on Oct. 19, Oct. 20, Oct. 26, Oct. 27, Nov. 2 and Nov. 3 were from 7 a.m. to 5:15 p.m.

Against the additional hazard and interruption to train operation incident to opening another crossing at 4th Avenue through the railroad yards is a considerable public convenience to be considered. For traffic destined to the packing shed at 10th Avenue and 7th Street from points on the Porterville Highway southeast of Delano, the proposed crossing would save an extra haul of about 2 blocks, but would involve a haul of 6 blocks over unpaved 7th Street instead of paved 8th Street. The cement pipe traffic referred to moves in all directions from the yards but principally to the agricultural territory east of Delano. That portion of it destined for points on the Porterville Highway (the proportion of which was not shown) could save a haul of 4 or 5 blocks to 11th Avenue over 7th Street and an equal distance south to 4th Avenue over the paved highway or 8th Street, by using a crossing at 4th Avenue.

We conclude from the facts shown above that the public convenience shown does not offset the hazard to public safety and interference with rail traffic shown, and that the evidence herein presented does not justify the opening of the crossing at this time, although anticipated growth in traffic may do so in the future.

In reaching this conclusion we have used the testimony concerning melons and lettuce shipments most favorable to applicant to the effect that nearly all of this traffic originates east of Delano, rather than testimony estimating at 25% the proportion of agricultural products originating at points along the Porterville Highway southeast of Delano.

Part of the need for a crossing at 4th Avenue would be relieved if the City would extend 7th Street south to a connection with the paved state highway near the city limits where the highway crosses from the east side of the tracks. For traf-

fic between points westerly of Delano and points south on the highway this would avoid the necessity of crossing the tracks twice at 11th Avenue and the highway crossing south of town. If there were a crossing at 4th Avenue this traffic last referred to would still need to cross the tracks twice in the absence of an outlet to the highway by a road or street west of the tracks. There is occasional travel over this route at present but it is over private property without authority. Such an extension of 7th Street or some connection with the highway south of town would tend to develop 7th Street south of 10th Avenue, which is intended for industrial uses, to a point where it might be possible to show sufficient public necessity and convenience to justify a crossing at or near 4th Avenue. The cost of such an extension may prove upon investigation to be little, if any more than that of the proposed crossing.

As to the existing crossings and their protection, it will be seen that on the busiest days checked the average frequency of the combined traffic over the three crossings at 11th, 12th and 13th Avenues was less than one vehicle per minute. The view is unobstructed at the crossings north of 11th Avenue. It affirmatively appears from the testimony that there has never been an accident at either crossing. The population of Delano appears from the testimony to be 800 according to the last census, and 1700 by recent estimates of the Chamber of Commerce. The testimony does not show such a dangerous condition at either of the present crossings as to require its closing at the present time.

We conclude that no additional protection is needed, as the traffic shown does not justify the expense of maintaining gates or a human flagman, and it is probable that an automatic flagman at the 11th Avenue crossing would not give adequate pro-

tection because this crossing is within the railroad yards where there is considerable switching, and cars are frequently left standing on the main line track, during switching operations.

O R D E R

Public hearings having been held upon Application 7407 and Case 1800, both matters having been submitted and now being ready for decision,

IT IS HEREBY ORDERED that Application No. 7407 be and it is hereby denied, and that Case No. 1800 be and it is hereby dismissed.

Dated at San Francisco, California, this 29th day of December, 1922.

H. B. Hendige

James Martin

J. B. Hendish

Commissioners.