

Decision No. 1529

MODESTO CHAMBER OF COMMERCE,  
a corporation,

Complainant,

vs.

SOUTHERN PACIFIC COMPANY,  
a corporation,

Defendant.

ORIGINAL

CASE NO. 557.

A P P E A R A N C E S

- L. J. Maddux, for the Modesto Chamber of Commerce,
- L. L. Dennett, appearing for those in favor of the "I" Street location.
- J. W. Hawkins, appearing for those in favor of the "K" Street location.
- George B. Squires, for the Southern Pacific Company.

O P I N I O N

GORDON, Commissioner.

On March 7, 1914 the Modesto Chamber of Commerce filed with this Commission its complaint against the Southern Pacific Company, alleging, in effect, that derendant's depot in the City of Modesto is insufficient for the use of the public and the transaction of the business of the Southern Pacific Company; and that it is necessary for the public convenience and for the transaction of business that a larger depot be constructed. Complainant also states that it is informed of the Southern Pacific Company's intention to erect a new depot at a place other than the one where the present depot is situated, and one which will not serve to the best advantage the convenience of its patrons. Complainant states that there are available sites upon which the proposed depot could be built that would serve the public convenience and necessity, and prays that this Commission make an order

requiring the Southern Pacific Company to construct a depot sufficient for the transaction of business and the convenience of the public; and also that the Commission select a site for the construction of this depot.

The answer to this complaint was filed by the Southern Pacific Company on March 27, 1914. In this answer the defendant prays that the complaint be dismissed, and denies that it is necessary for the public convenience and for the transaction of business that a large depot be constructed. The defendant avers that the present depot is adequate for the use of the public and for the transaction of the Southern Pacific Company's business. Defendant further denies that it is about to commence the erection or construction of a depot building at some point in the City of Modesto, but states that it contemplates in the near future the construction of a new depot which will be adequate for the future needs of the City of Modesto, and which will be projected as soon as the resources and financial condition of the defendant will permit. The defendant states further that it has not selected a site for any new depot which it may construct in Modesto, and if it be determined that a new depot be built in the near future, defendant is willing to erect same upon a site which in the opinion of the Commission will best subserve the convenience of the people of the City of Modesto.

The hearing in this case was held in Modesto on April 21, 1914, and the case was submitted subject to the filing of certain additional information by both parties. This data has since been filed, and with the information on hand the case is ready for decision.

Modesto is the county seat of Stanislaus County and is situated in about the convenient center of the Modesto irrigation district, comprising an area of about 82,000 acres, in one of the richest

agricultural regions of this state. It is a rapidly growing city of approximately 7,000 population, with an assessed property value of over \$4,000,000. The city is located on the Lathrop-to-Fresno main line of the Stockton Division of the Southern Pacific Company's Pacific System, and is a Class A station. Five (5) regular passenger trains and two (2) freight trains in each direction daily stop at Modesto. The city is the junction point of the Southern Pacific, Modesto and Empire Railroad and the Tidewater and Southern Railroad. As a passenger and freight station it is a most important revenue producing point on the Southern Pacific Company's lines. An idea of its importance in this respect will be had from certain Southern Pacific Company traffic statistics for the last available twelve months.

Table 1.

Passenger Business -- Modesto

March 1913 to February 1914, inclusive.

M o n t h	Local	Passengers		Local	Revenue Accruing	
		Interline.	Total		Interline	Total
<u>1913</u>						
March	6727	81	6808	9326.05	3446.75	12772.80
April	6640	72	6712	9353.70	3114.49	12468.19
May	7148	128	7276	9847.10	4734.16	14581.26
June	7270	134	7404	9996.80	3292.05	13288.85
July	8386	120	8506	14256.60	3224.26	17480.86
August	7601	80	7681	11679.55	3077.34	14756.89
September	6608	62	6670	10264.60	2416.53	12681.13
October	7316	52	7368	10467.74	2129.49	12597.23
November	7034	46	7080	10250.21	1907.34	12157.55
December	6711	44	6755	10019.70	1472.42	11492.12
<u>1914</u>						
January	5563	62	5625	8385.60	1913.33	10298.93
February	4824	71	4895	7240.80	2695.36	9936.16
<b>TOTAL</b>	<b>81828</b>	<b>952</b>	<b>82780</b>	<b>121088.45</b>	<b>33423.52</b>	<b>154511.97</b>

Average per day 227  
 No. Trains stopping per day 10  
 Average per train 23

Table 2.

Freight Business -- Modesto.

(freight handled in pounds)

March 1913 to February 1914, inclusive

		<u>F o r w a r d e d</u>		<u>R e c e i v e d</u>		
		<u>L. C. L.</u>	<u>Carload</u>	<u>L. C. L.</u>	<u>Carload</u>	
1913	March	483,482	2,089,109	2,120,020	7,211,250	
	April	409,504	712,284	1,505,846	9,828,786	
	May	421,005	1,443,044	1,504,823	7,476,524	
	June	359,911	981,309	1,737,630	10,237,870	
	July	510,070	1,535,332	1,873,510	10,336,770	
	August	555,708	1,875,910	2,202,179	5,599,031	
	September	579,473	3,822,880	1,720,055	7,315,492	
	October	744,486	3,944,038	1,627,979	14,510,272	
	November	923,899	2,037,228	2,583,176	7,793,662	
	December	525,100	1,789,655	2,729,899	7,999,655	
	1914	January	780,797	1,223,786	1,491,986	7,483,704
		February	377,407	1,461,952	1,694,258	10,553,121
<b>TOTAL</b>		<b>6,670,882</b>	<b>22,916,527</b>	<b>32,791,361</b>	<b>106,346,147</b>	

Freight Charges

1913	March	\$ 884.10	\$ 4,200.63	\$ 3,862.20	\$ 6,718.75	
	April	624.64	1,073.58	2,893.28	8,601.32	
	May	725.23	2,507.35	3,546.12	6,935.05	
	June	426.35	1,300.07	4,154.95	9,345.72	
	July	595.72	2,259.18	4,264.10	18,240.76	
	August	608.06	2,239.77	4,210.80	5,764.50	
	September	786.70	5,031.95	4,242.94	6,956.94	
	October	998.94	5,862.55	4,092.99	10,253.05	
	November	1,069.74	6,818.56	5,580.12	6,615.79	
	December	733.90	2,386.64	4,397.14	8,787.34	
	1914	January	1,501.34	4,548.64	5,115.76	11,725.21
		February	811.96	2,244.88	5,364.89	7,954.45
<b>TOTAL</b>		<b>\$9,766.68</b>	<b>\$40,473.80</b>	<b>\$51,725.29</b>	<b>\$107,898.88</b>	

These tables show that the total passenger receipts at this station for the period named amounted to \$154,511.97, and the freight receipts for the same period to \$209,864.65, making a total of \$364,376.62.

The first passenger depot at Modesto was constructed in 1870, when the Central Pacific Railway reached this territory. This original depot burned down and the present one was erected on the same site. Modesto at that time had a population in the

neighborhood of 2,000 people, and the surrounding country was but sparsely settled. It was stated at the hearing that the present depot has been in existence for at least twenty-five (25) years, and that no material changes have been made in this structure during that time.

The present structure is a combination freight and passenger depot and is located on the southeast side of "I" Street in the block bounded by "I" Street and "H" Street on the northwest and southeast and by 8th Street and 9th Street on the southwest and northeast. It is an old structure, and there can be no question as to its inadequacy to serve a city of the size and importance of Modesto. In fact, the attorney for the defendant at the hearing agreed to stipulate, in order to shorten the introduction of testimony, that the facilities are inadequate and that they should be improved. I fully agree with him.

It appeared at the hearing that the applicant is desirous of effecting a separation of the passenger depot from the freight depot, and that the Southern Pacific Company seemed willing to have such a separation made. It was, however, stipulated and agreed to by both parties that the case before the Commission should be considered as an application for a passenger depot only, and that the arrangements for the construction and location of adequate freight facilities be left for the future consideration of this Commission in case the City of Modesto and the Southern Pacific Company cannot agree. I shall be content at this time, to make certain suggestions in this respect which appear to me logical and in line with the best interests, present and future, of both the Company and the City.

No preference was expressed by the applicant as to the type of depot desired by the City, and no plans or cost estimates were submitted by the defendant. This matter is left for the

decision of the Commission. I am not committed to one particular style of building in favor of another, but having in mind the history, character and condition of the City of Modesto, I think that a passenger depot should be built of lath and plaster, or of concrete, or of concrete hollow tile, or of other suitable materials, satisfactory to this Commission, and designed, perhaps, in the so-called Mission style. I am of the opinion that it is reasonable and just to order the defendant to expend for such a structure, this being the passenger depot proper, a sum of not less than Fifteen Thousand Dollars (\$15,000). Such a passenger depot, I believe, will adequately serve the present and reasonable future needs of the City of Modesto and the convenience of the railroad company's patrons, and will at the same time be a credit to both the City and the Southern Pacific Company.

Widely conflicting opinions as to the proper location of the proposed passenger depot were voiced at the hearing by various interested witnesses. Certain facts, as will be shown, were brought out and admitted by all sides. "I" Street is not only the widest but probably the most important street in Modesto. The standard width of streets in Modesto is eighty (80) feet, while this street has a width of one hundred (100) feet. It runs through the business district in a straight line from the present depot to the Court House, and is built up practically solid on both sides. The City was originally laid out with "I" Street as the main artery of traffic, and the business portion has been built up on that basis. Unless there are very good reasons to the contrary, I should consider it both unwise and unjust to the interests of the City to radically change the location of the passenger depot from the immediate neighborhood of "I" Street. Judging by the evidence introduced, there do not appear to be any such reasons. I am of the opinion, however, and a great deal of testimony was given to bear out this view, that the residential

portion of Modesto is spreading to the northwest probably more rapidly than in any other direction, and that if the depot be moved from its present location, it should be moved to the northwest. I consider it entirely impracticable to change the location in the opposite direction; to "E" Street, for instance, as is proposed by a certain faction. The southeasterly part of Modesto, in the neighborhood of the railroad tracks, is already the industrial and wholesale portion of the City, and will undoubtedly, for a number of reasons, continue to develop along such lines. This territory to the southeast of "I" Street appears to me the logical location, not for the passenger but for the freight depot.

With the separation and the relocation of the depots will have to go the rearrangement of the track layout. The blocks between streets running northwest and southeast in Modesto are four hundred (400) feet long. A five (5) or six (6) car passenger train (or a longer one) stopping at the station will therefore inevitably block one street. Such a condition is, of course, not only inconvenient and costly to the community, in that it stops all street traffic while the train occupies the crossing, but is also dangerous. It is therefore a matter of necessity that a street be closed wherever the depot be located. The closing of "I" Street, in my opinion and for reasons stated heretofore, is out of the question. "K" Street, eight hundred and eighty (880) feet (two blocks) northwest of "I" Street, is now closed, although trains do not now block this crossing, but regularly block "I" Street. To locate the passenger depot on "K" Street, or still farther northwest, would seriously injure "I" Street, a thing that would be unjust and which should not be done. I have come to the conclusion that the passenger depot should be located on the block bounded by "I" and "J" Streets, and the Southern Pacific tracks and 9th Street, and midway between "I" and "J" Streets, with

entrances from both of these streets; and that "J" Street should be closed across the tracks of the railroad. "K" Street, which is now closed, should be opened. This solution appears to me the best one for a number of reasons: "I" Street property will not be injured; "J" Street property will undoubtedly gain; the depot will be more readily accessible from the growing residential and business district northwest of "I" Street; the block now occupied by the combination depot will be available for the freight depot, if it is agreed to have it there. The freight depot, in that case, might be located close to "H" Street, and the portion of the block fronting on "I" Street might be parked. The freight facilities, to my mind, would then be in their logical location with reference to the wholesale and industrial section of the City of Modesto, and heavy teaming and trucking would not have to cross the main thoroughfare, "I" Street, as will be the case if the freight depot was located northwest of "I" Street. In my opinion the passenger depot should occupy the entire block outlined above, the present temporary structures there should be removed, and the space not occupied by the building should be parked. I cannot see how the closing of "J" Street, which is essential to this plan, will seriously harm anyone. The closing of this street and the opening of "K" Street will have to be accomplished by a City ordinance, and since all ordinances in Modesto are subject to the referendum, the ultimate solution lies with the citizens of Modesto.

It appears also that the proposed location of the passenger depot will bring it within the fire limits of the City of Modesto. Unless the City, therefore, desires to compel the railroad company to erect a fire-proof and, consequently, much more costly structure, the Company should be relieved from compliance with the City's Ordinance No. 53, N. S. As this depot,



if built as proposed, will occupy an entire block, and the danger from fire be practically eliminated, I recommend to the City that such relief be granted.

I find, therefore, as a fact that the present passenger depot facilities of the defendant in the City of Modesto are inconvenient and inadequate for the passenger traffic handled at that point, and that defendant should erect a passenger depot on its property in the location as outlined heretofore, at a cost to it of not less than Fifteen Thousand Dollars (\$15,000); said depot to be either a lath and plaster, or concrete, or concrete hollow tile structure, or of a similar class of construction, and of a design satisfactory to this Commission.

I find further that sixty (60) days will be a reasonable time from the date of this order within which the defendant should submit plans for this depot and secure the approval of the Commission; and that six (6) months will be a reasonable time after the approval of such plans for the construction and completion of such depot.

I recommend to the defendant that in preparing its plans it should design a building of artistic appearance, in keeping with the size and importance and with the probable future needs of the City of Modesto.

I recommend to the City of Modesto that "J" Street be closed across the tracks of the Southern Pacific Company and that "K" Street, which is now closed, be opened.

I further recommend that the City of Modesto relieve the defendant from the compliance with Ordinance No. 53, N. S., being an ordinance establishing the fire limits of the City of Modesto.

I further recommend that the City of Modesto and the Southern Pacific Company enter into negotiations with reference to the construction in the most suitable location of a freight

depot, which said freight depot is to be a separate and distinct structure from the passenger depot.

I submit herewith the following form of order.

### ORDER

MODESTO CHAMBER OF COMMERCE, a corporation, having filed with this Commission its complaint against the Southern Pacific Company, a corporation, in the proceeding entitled as above; and the Southern Pacific Company having filed with this Commission its answer; and a public hearing having been held and evidence having been presented by the interested parties, and the case having been submitted; and the Commission finding as a fact that defendant's main line depot in the City of Modesto is inconvenient and inadequate for the passenger traffic at that point, and that the Southern Pacific Company should erect on its property on the block bounded by "I" and "J" Streets, and the Southern Pacific tracks and 9th Street, midway between "I" and "J" Streets, in the City of Modesto, a passenger depot of the cost and type as hereinbefore specified; and basing its order on the findings contained herein and on the opinion preceding this order;

#### IT IS HEREBY ORDERED AS FOLLOWS:

The defendant shall within sixty (60) days from the service on it of this order present to the Railroad Commission, for its approval, plans for a passenger depot to be built on the location hereinbefore described; and shall within six (6) months after the approval by this Commission of such plans build on said location a passenger depot of lath and plaster, or of concrete, or of concrete hollow tile, or of a similar class of construction, and of such type and design as shall be approved by this Commission.

The foregoing opinion and order are 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 18th day of May, 1914.

John M. Eschleman

H. D. Loveland

Chas. G. Smith

Marion Thelen

Edwin O. Edgerton

