

ORIGINAL

Decision No.     

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of the BOARD OF TRADE of the CITY OF TURLOCK, for an order directing the Southern Pacific Company to erect and maintain a new depot in said city; to stop passenger train No. 50; and to establish gates or place a flagman at the switch crossing on East Main Street between the Lane-Hultberg Block and the Santos Block, in said City of Turlock, California.  
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Application No. 1086.

George D. Squires, for the Southern Pacific Company,  
R. R. Fowler, for the Board of Trade of the City of Turlock.

GORDON, COMMISSIONER.

O P I N I O N

On April 14, 1914 the Board of Trade of the City of Turlock filed with this Commission its application, alleging in substance that the present depot of the Southern Pacific Company is wholly inadequate and insufficient for the use of the public and the transaction of the business of said company; and that the facilities for the convenience of the public are insufficient and unsanitary. Applicant states that the present depot is of an inferior, out-of-date and poor style of architecture, and that by reason thereof and on account of its forbidding appearance it is a damage and detriment to the City of Turlock, and has a direct tendency to prevent adjacent property owners from improving their properties, and retards the advancement of the city.

Petitioner further states that the said depot is also used for the purpose of handling freight, and that the City of Turlock is sufficiently large to demand a depot for the handling of passengers and also a depot for the handling of freight.

Applicant avers that by reason of said depot being used for the handling of freight the extra switching of trains makes it extra hazardous, inconvenient and dangerous to the traveling public along East and West Main Street, and to passengers traveling to and from the City of Turlock over the lines of said company.

The application further states that train No. 50, leaving the City of Oakland and passing through said City of Turlock, does not stop; and that due to this fact it is a serious inconvenience and annoyance to passengers traveling to and from the City of Turlock over the lines of said company.

It is further stated that there is no good or sufficient reason why this train should not stop at Turlock, as it does stop at other towns along its road having less population and which are less important than the City of Turlock.

Applicant further complains that the crossing over the switch of the Southern Pacific Company on East Main Street, between the Lane-Hultberg Block and the Santos Block, in the City of Turlock, is an extremely dangerous one, and is a constant menace to the safety of persons traveling along said street and over said crossing; and that the westerly walls of said Lane-Hultberg Block and said Santos Block, respectively, are within six (6) feet of said switch. Applicant states that there are no gates maintained at said crossing and no flagman or watchman is stationed there; and that the persons traveling westerly along said East Main Street, approaching said crossing, cannot see cars which are being switched over and along this track until they pass beyond the line of the westerly walls of the above mentioned blocks. This frequently brings people within five or six feet of oncoming cars before they are aware of the approach of same; and it is stated that a number of collisions have occurred by the cars being so switched and teams passing along said street, and that serious

accidents have frequently been narrowly averted at this crossing.

The applicant prays that the Commission take the necessary steps to correct the existing conditions in relation to the foregoing matters complained of.

The Southern Pacific Company on March 11, 1914 filed its answer in Application No. 1086, and prays that the application be dismissed. The respondent denies the applicant's material allegations with reference to the inadequacy and inconvenience of the present depot facilities at Turlock. It also denies that the use of said depot for the purpose of handling freight, and by reason of the extra switching of cars occasioned thereby, is a source of danger and inconvenience to the traveling public on East and West Main Street, in the said City of Turlock, and maintains that gates have been constructed across said street and an automatic bell installed at the point where its tracks cross Main Street.

With reference to the complaint that Southern Pacific passenger train No. 50 does not stop at the City of Turlock, respondent avers that said train is operated as a through train from Oakland to Fresno in competition with a train of a similar character operated by The Atchison, Topeka & Santa Fe Railway Company; and as the running time of said train, allowing for stops between Oakland and Fresno, is 42 miles per hour, it stops at no point not required by operating conditions except county seats and on flag at Byron Hot Springs. Respondent denies that by reason of the fact that said passenger train No. 50 does not stop at Turlock any passengers traveling over its line to or from said City of Turlock suffer any serious inconvenience or annoyance, and denies that said train No. 50 stops at other points on its road which are of less importance than said City of Turlock.

With reference to the applicant's complaint that the

switch maintained by respondent on East Main Street, between the Lane-Eultberg Block and the Santos Block, in the said City of Turlock, is extremely dangerous and a constant menace to the safety of persons traveling along said street and over said crossing, the respondent denies this allegation, and denies also that many collisions have occurred at this crossing, and avers that said track is an industrial spur track and cars are switched along said track never oftener than twice a day.

The respondent also denies that requests made by the applicant directly to it for a remedy of the matters complained of have been ignored, and avers that it has carefully considered all of such requests and demands; but owing to the fact that a suit has been instituted by the United States against respondent in the United States District Court for the District of Utah, under the so-called Sherman Anti-Trust Act, in which the plaintiff seeks to cancel the lease executed by the Central Pacific Railway Company to respondent of the lines of the former company, including the line passing through the said City of Turlock, and to compel the operation of the lines of the said Central Pacific Railway Company and the other leased lines of the respondent as separate systems, respondent's title, under said lease, to the depot and other facilities existing in said City of Turlock, is in jeopardy and, should the Government ultimately prevail in said suit, it may be divested of such property. Therefore, respondent states it has not, for obvious reasons, acted upon said requests for new or improved facilities at said City of Turlock, and does not desire to do so until the final determination of said suit.

The hearing in this case was held at Turlock on May 20, 1914. Both the applicant and respondent were represented, considerable testimony was taken, and the case is now ready for decision.

Turlock is the second city in importance in Stanislaus County, and is the center of the Turlock Irrigation District, comprising over 176,000 acres. Turlock has increased from a village of 150 people in 1902 to a city of over 2,500 people at the present time. It is a rapidly growing agricultural and business center. The output of its creameries is over 70,000 pounds of butter per month. It has a large fruit cannery, three lumber yards, two packing houses, two planing mills, and a considerable number of other industrial establishments. During the year 1911 building permits to a sum of over \$230,000 were issued. 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 Turlock. It is one of the important passenger and freight revenue producing points on the Southern Pacific Company's lines. The company's attorney stated at the hearing that the total receipts at this station for the last available twelve (12) months amounted to over four hundred and two thousand dollars (\$402,000).

The present combination freight and passenger depot at Turlock is located on the southeast side of Main Street, between First Street and Front Street. It is an old structure, and there is no question in my opinion as to its inadequacy to serve the City of Turlock. 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 believe that the City of Turlock is entitled to a new and better depot.

From an investigation of this situation on the ground, I am convinced that the proper location of the new depot should be about one hundred (100) feet southeasterly from its present

location, and on the company's right of way midway between Main Street and Crane Avenue. This location appears to me the most desirable for a number of reasons. It will relieve the present dangerous and inconvenient situation on Main Street with regard to certain side tracks and switches complained of in the application. This location will also permit of the parking and improving of the immediate neighborhood to the northwest and southeast and make the depot more readily accessible from all directions. No inconvenience to the city will result from this location, as Crane Avenue is now closed across the tracks of the Southern Pacific Company. It is my opinion, however, that if a new depot is built by the Southern Pacific Company the City of Turlock should be willing to do its share towards improving the transportation facilities at that point. There is now situated between Main Street and Crane Avenue, on the northwest and southeast, and between the Southern Pacific Company's right of way and Front Street on the southwest and northeast, a small privately owned block of property of dimensions of seventy-five (75) feet by three hundred (300) feet. This block is now occupied by an inferior type of buildings and by temporary warehouses and lumber sheds, and in my opinion constitutes not only an eyesore, but is a decided detriment and obstacle to the advancement of the City of Turlock. If this Commission should order the Southern Pacific Company to erect a new depot in the location outlined and the block referred to should remain in its present condition, the object of the applicant's petition, in my opinion, would be largely defeated, for the reason that this depot would be difficult of access, and the view would be entirely obstructed by the present or future buildings on the block referred to.

I believe, therefore, that the Commission should order in a new depot at Turlock only under the condition that the city

acquire the small block referred to, this property to be improved and parked. The new depot will then be erected in pleasant and wholesome surroundings, be conveniently located, and undoubtedly prove a credit to both the city and the railroad company. If the city elects to comply with this condition the railroad company will undoubtedly park its right of way on both sides of the proposed new depot in keeping with the improvements made by the city; and will also remove the shacks on the opposite side of its tracks northeast of First Street and between Main Street and "A" Street.

The proposed location of the passenger depot between Main Street and Crane Avenue will necessitate the removal of the spur on the northeast side of the main line, which is the spur between the Lane-Hultberg Block and the Santos Block, which the complainant objects to in its petition as being dangerous and a menace to safety of life and limb. This track, then, will not continue towards the southeast beyond the northwesterly line of Main Street.

The Southern Pacific Company should also remove that portion of the side track on the southwest of the main line extending across and to the southeast of Main Street, and should place the southeasterly headblock of that side track to the northwest of Main Street.

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 respondent. This matter is left for the decision of the Commission.

As I have heretofore stated in similar cases, I am not in favor of one particular style of building in preference to another, but I believe that a passenger depot should be erected, to be built of lath and plaster, or of brick, or of concrete

hollow tile, or of other suitable materials satisfactory to the Commission, and designed, perhaps, in the so-called Mission style. I am of the opinion that it is reasonable and just to expend for such a structure, this being the passenger depot proper, a sum of not less than ten thousand dollars (\$10,000). Such a depot, I believe, will adequately serve the present and reasonable future needs of the City of Turlock and the convenience of the railroad company's agents.

I am also of the opinion that the petition of the City of Turlock for a separation of the passenger from the freight facilities is justified, and I believe that the railroad company will be in sympathy with this separation if a new passenger depot is ordered. The applicant has expressed no definite wish as to where the proposed freight depot is to be located, and I am satisfied to leave this question to the decision of the railroad company and the citizens of Turlock.

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Concerning that portion of the applicant's complaint asking the Commission to order that train No. 50 be stopped at the City of Turlock, I find that this train is operated as a fast through train from Oakland to Fresno, with an average running time of forty-two (42) miles per hour, and that this train, as stated in the Southern Pacific Company's answer to the petition, stops at no point not required by operating conditions except county seats and on flag at Byron Hot Springs. Fast through trains between principal cities are a public convenience and necessity, and I cannot see how in this case the City of Turlock can be materially inconvenienced by reason of this train passing through this city without stopping, as another train, namely, train No. 52, arrives at and leaves Turlock within thirty-one (31) minutes after train No. 50 has passed through. Five (5) regular passenger trains in each direction daily stop at Turlock,



and only one (1) fast train passes through the city without stopping; so I cannot see where Turlock can consider itself as being discriminated against in comparison with other towns of equal importance. I am of the opinion, therefore, that this portion of the complaint should be dismissed.

I find therefore as a fact that the present passenger depot facilities of the Southern Pacific Company in the City of Turlock are inconvenient and inadequate for the passenger traffic handled at that point, and that said company should erect a passenger depot on its property in the location stated heretofore at a cost to it of not less than ten thousand dollars (\$10,000), for the passenger depot proper, said depot to be either a lath and plaster, or brick, 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 for the Southern Pacific Company to 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 said 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 Turlock.

I also find that a separation of the freight and passenger facilities at Turlock is desirable and that the Southern Pacific Company should erect a suitable freight depot in a suitable location, in connection with the construction of the passenger depot as above specified.

I find further that it is desirable from the standpoint of safety, as well as convenience, to eliminate the crossing of

Main Street by the warehouse track on the northeast side of the Southern Pacific Company's main line track between the Lane-Hultberg Block and the Santos Block, in the said City of Turlock, and that the industry track should be discontinued southeasterly, from the northwest line of East Main Street.

I find further that the crossing of Main Street by the side track on the southwest side of the Southern Pacific Company's main line should be eliminated and that the southeasterly switch of this siding should be moved northwesterly approximately three hundred and fifty (350) feet beyond the projection of the northwest line of Main Street across the right of way of the Southern Pacific Company.

I also find that if the full benefit from the construction of a new depot is to be secured by the City of Turlock, the city should be required to acquire the small block of privately owned property bounded on the northeast by Front Street and on the southwest by the Southern Pacific Company's right of way, and on the northwest by Main Street and on the southeast by Crane Avenue; and that the city should remove the existing buildings and structures and park this block, in keeping with the improvements to be made by the Southern Pacific Company in the surroundings of its new passenger depot.

I find further that the complaint with reference to the stopping of train No. 50 is not justified in fact, and recommend that this portion of the applicant's complaint be dismissed.

I submit herewith the following form of order.

#### ORDER

The Board of Trade of the City of Turlock, a corporation having filed with this Commission a complaint against the Southern Pacific Company, a corporation, in the proceeding entitled as

above; and the Southern Pacific Company having filed with the Commission its answer; and a public hearing having been held; and the Commission finding as a fact that defendant's main line depot in the City of Turlock is inadequate and insufficient for the passenger traffic at that point, and that the Southern Pacific Company should erect on its property on the northeast side of its main line track and midway between Main Street and Crane Avenue, in the City of Turlock, a passenger depot of the cost and type hereinbefore specified; and that a separation of the freight and passenger facilities in the City of Turlock should be effected; and that farther, by reason of the necessity of the rearrangement of the yard layout certain other desirable changes should be brought about, both by the City of Turlock and by the Southern Pacific Company, as hereinbefore specified; and basing its order on the findings contained herein and on the opinion preceding this order,

IT IS HEREBY ORDERED:

1st. 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 in 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 brick, 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.

2nd. The defendant shall effect a separation of the passenger and freight facilities in the said City of Turlock.

3rd. The defendant shall, in connection with the construction of its new passenger depot, eliminate the crossing of Main Street by its industry track, between the Lane-Hultberg

Block and the Santos Block, and shall discontinue said track southeasterly from the northwesterly line of said Main Street.

4th. The defendant shall, in connection with the construction of said passenger depot, eliminate the crossing of Main Street by its siding on the southwest side of its main line track, and shall move the southeasterly switch of said siding in a northwesterly direction, a distance of approximately three hundred and fifty (350) feet beyond the northwesterly line of Main Street.

5th. Applicant shall, within sixty (60) days from the service on it of this order, present to the Railroad Commission for its information satisfactory evidence that it has acquired or will acquire the small block of private property situate northeasterly from the Southern Pacific Company's main line track, bounded on the northeast by Front Street and on the southwest by the Southern Pacific Company's right of way, and on the northwest by Main Street and on the southeast by Crane Avenue, this block to become the property of the City of Turlock, and to be parked in keeping with the improvements to be made by the Southern Pacific Company in the immediate vicinity of the proposed new passenger depot. The building of this depot, otherwise than the filing of the plans as heretofore ordered, is made contingent upon the City of Turlock purchasing the heretofore mentioned strip of land.

6th. That portion of the applicant's petition praying that this Commission order the defendant to stop its train No. 50 at the City of Turlock is hereby dismissed.

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 17th day  
of June, 1914.

John W. Kebleman  
H. D. Howard  
Geo. G. ...  
Max ...  
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Commissioners.