

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 1998

ORIGINAL

VISALIA BOARD OF TRADE, a corporation,)
 Complainant,)
 - vs -)
 SOUTHERN PACIFIC COMPANY, a corporation,)
 Defendant.)
)

CASE NO. 681.

James M. Burke, for the Visalia Board of Trade,
George D. Squires, for the Southern Pacific Company.

GORDON, Commissioner.

O P I N I O N

On September 18, 1914 the Visalia Board of Trade, a California corporation, filed its complaint against the Southern Pacific Company, alleging that the defendant's passenger and freight depot in the city of Visalia, located at the corner of North Church Street and East Oak Street in said city, is grossly inadequate to serve the public of the city of Visalia and the surrounding territory; and that the facilities available are insufficient for the transaction of the business of the Southern Pacific Company. The complainant prays that the defendant be required to satisfy and answer its complaint, and that the Commission make its order directing the defendant to erect a new and adequate passenger depot and a new and adequate freight depot in the city of Visalia, and to make such other changes, additions and improvements as may be deemed necessary for the convenience and security of the public and the employees of the defendant; and that said order fix the time within which these new structures shall be erected and the other changes and improvements shall be made.

In support of its contentions the complainant states that the defendant's present combination freight and passenger depot has been maintained for more than eighteen (18) years, without any material changes or improvements. The freight shed is said to be too small to accommodate and safely or expeditiously handle and store the amount of freight which is regularly required to be handled and stored, and that there is frequent congestion of freight, with attendant loss to shippers, and that freight is frequently left, because of lack of room in the shed, on the platform outside, where it is subject to injury from the elements and to damage and theft. The platform and sidewalk surrounding the waiting room of the depot, which must be used by passengers, is said to be, in many points, below the level of the adjacent street and tracks, so that water regularly accumulates and remains thereon during the rainy season, to the inconvenience and discomfort of persons using the platform. The waiting room of the depot is claimed to be too small and entirely inadequate to accommodate the people who are required to use it; it is also contended that the baggage room is too small and entirely inadequate for the handling of baggage. The sanitary conveniences at the depot, it is said, are wholly insufficient, and so placed as to be almost inaccessible to passengers.

It is further stated by the complainant that the city of Visalia, when this depot was first erected, did not contain more than one-half (1/2) of the population which it now contains, and that the territory surrounding the city was not developed to any extent comparable with its present development, and was not inhabited by over one-half (1/2) of the people who now inhabit it. The complainant also alleges that the business transacted at this station during the past year has been more than three (3) times as large as the business transacted during the first year of its erection.

The complainant further recites that the defendant, in addition to its steam railroad, controls and operates the Visalia Electric Railroad, a common carrier, which is an electric railroad extending from Visalia to and through the towns of Exeter, Lemon Cove and Woodlake, in Tulare County, with the city of Visalia as the western terminus; and that the defendant's depot is also used for the transaction of all the freight and passenger business of said Visalia Electric Railroad in the city of Visalia.

The complainant avers that the Southern Pacific Company has frequently been requested and urged by it and by numerous residents of the city of Visalia and vicinity to erect a new depot and to furnish better facilities for passenger and freight service; and that the defendant, within the past two years, has admitted that the facilities at Visalia are wholly inadequate, and has stated and promised that it would, during the fiscal year ending June 30, 1914, expend the sum of at least twenty-five thousand (\$25,000) dollars in building a new depot at Visalia, and in improving and enlarging its freight yards at that point; but that the defendant has not expended any such sum or any other sum except what was actually necessary to keep the depot in repair.

It is also stated in the complaint that the Southern Pacific Company has, within the past two months, declared to the complainant that it does not intend to build a new depot or improve or enlarge its facilities at any time in the reasonably immediate future; and the complainant states that unless it is compelled to do so defendant will not build any new depot and will not improve or enlarge its facilities in any way.

In view of the very large increase in defendant's business originating in Visalia and surrounding territory, and also in view of the fact that the defendant has within recent years built new depots at several other points in said county, where the need for better facilities was no greater than it is at Visalia, the

complainant prays for relief as stated heretofore.

A copy of this complaint, with directions to make its answer to the Commission, was furnished to the defendant, and this answer was filed on October 24, 1914. The answer is a denial of most of the allegations made by the complainant, and specifically denies that the freight and passenger facilities, as they now exist at Visalia, are inadequate and inconvenient. The defendant further denies that the depot has not been enlarged or improved since its original construction, but on the contrary avers that upon several occasions the depot has been enlarged and extended, that electric lights and other improvements have been installed therein, and that the platform of said station has been extended. It is also denied that there is congestion of baggage or freight, or inconvenience to the traveling public making use of the waiting room. The sanitary conveniences are said to be amply sufficient, conveniently located and readily accessible. Defendant admits that it has been requested to construct a new depot and to increase its facilities at Visalia, but denies that within the past two years or ever or at all it has acknowledged that the said depot is in any way inadequate for the reasonable service of the public; and denies that within the past two years, or at any other time, it promised to expend the sum of at least twenty-five thousand (\$25,000) in improving its facilities. Defendant further denies that it ever declared that it would not build a new depot or improve or enlarge its facilities at Visalia at any time in the reasonably immediate future; and avers that it has been and is now its intention to construct a new depot and improve its facilities at Visalia as soon as financial considerations will permit; and that the delay in carrying out these plans is due solely to the present stringent financial conditions which have been augmented by the European war, and which necessarily require that the defendant, in

common with all other business enterprises, shall, for the time being, adopt a policy of retrenchment in its expenditures and make no outlays other than such as may be reasonably required for the accommodation of the shipping and traveling public. The defendant avers that the present facilities in Visalia are all that can be reasonably required for the comfort and accommodation of the public and its patrons at this point, and prays that the complaint be dismissed.

The hearing in this case was held in Visalia on December 1, 1914, and the case is now ready for decision. I find that the complainant's allegations are generally and substantially based on facts. Visalia is the county seat of Tulare County, and has a population of approximately five thousand (5000) people. It is the market and shipping center of a well developed and fertile agricultural, fruit growing and darying region, which furnishes a large and increasing amount of freight and passenger business to the defendant. The testimony introduced at the hearing substantiated the allegations that the Visalia depot is approximately twenty (20) years old, and that few if any enlargements have been made during that period. I am convinced that both the passenger and freight facilities are inadequate and inconvenient. A number of exhibits were filed at the hearing which show that the complainant, in a meeting with the general manager of the Southern Pacific Company on May 12, 1913, was informed that defendant had been contemplating the erection of a new passenger station in Visalia for some time, and that an appropriation for it had been requested in its annual budget. The general manager also stated at that time that defendant realized that the existing facilities are inadequate. It appears from the testimony that the appropriation for better facilities at Visalia was included in three (3) successive budgets, but that this particular item in each instance

was eliminated by the company's higher officials in the east.

It does not appear necessary to me to go further into the necessity for better facilities at this point, for the reason that the company's representative at the hearing agreed to stipulate that this need should be admitted by the defendant. Aside from this stipulation the defendant's business statistics for Visalia will further bear me out in this respect. The defendant had been requested to furnish the principal figures, and they are here given:

TABLE NO. I.

SOUTHERN PACIFIC COMPANY
(Pacific System)

PASSENGER BUSINESS AT VISALIA BY YEARS

	1910	1911	1912	1913	Last (1) 12 Months
Number Local Passengers	54,529	57,459	61,985	60,191	48,532
Number Interline "	501	477	571	447	391
Total Steam Lines	55,030	57,936	62,556	60,638	48,923(2)

Passenger Revenue:

Local Tickets	\$76,575	\$78,359	\$79,238	\$81,296	\$64,415
Interline "	15,558	13,594	15,843	15,232	14,893
Total Steam Lines	\$92,113	\$91,953	\$95,081	\$96,528	\$79,308

Electric Railroad:

Number Tickets	24,195	26,175	24,000
Revenue	\$12,520	\$12,285	\$11,836

(1) November 1913 to October 1914 inclusive.

(2) Average number of passengers per train stopping -----9.
(Excludes trains terminating at Visalia)

TABLE NO. II.

SOUTHERN PACIFIC COMPANY
(Pacific System)

BAGGAGE AND FREIGHT BUSINESS AT VISALIA BY YEARS

	1910	1911	1912	1913	Last (1) 12 Months
Number of pieces baggage received and forwarded	35,793	30,852	31,925	38,049	36,265
Ditto, per day	98	84	84	104	99
Tons LCL received and forwarded	14,906	11,020	10,407	12,712	12,758
Ditto, per day	41	30	29	35	35
Car Loads forwarded and received	3,193	2,578	2,770	3,334	3,252

(1) November 1913 to October 1914 inclusive.

TABLE NO. III.

SOUTHERN PACIFIC COMPANY
(Pacific System)

BUSINESS AT VISALIA - LAST AVAILABLE TWELVE MONTHS

(November 1913 to October 1914 inclusive)

<u>Passenger:</u>	<u>Local</u>	<u>Inter-line.</u>	<u>Total</u>
Passengers outbound - Nov.-Oct.	48,532	391	48,923
Revenue from same	\$64,415	\$14,893	\$79,308
<u>Freight:</u>	<u>Forw'd</u>	<u>Rec'd</u>	<u>Total</u>
LCL - Tons	5,993	6,765	12,758
Number of Car Loads	1,498	1,754	3,252
Revenue - LCL	\$15,402	\$41,520	\$56,922
" - Car Load	\$115,330	\$105,456	\$220,786

Number Passengers, Electric Railroad (1)	24,000 (over)
Revenue from same	\$11,836

(1) Twelve months - October 1913 to September 1914 inclusive.

These tables show that the total freight receipts at this station for the twelve (12) months ending October 31, 1918 amounted to \$277,708, and the total passenger receipts, for the same period, from steam line service, amounted to \$79,308, and from electric railroad service, to \$11,836, making a total for freight and passenger business, including electric service, of \$368,852.

The present structure is a combination freight and passenger depot and is located in the north half of the block bounded by Oak Street, Center Street, North Church Street and North Garden Street. A separation of the passenger depot from the freight depot should be effected, and the defendant is evidently willing that such a separation be made. The defendant owns the north half of the three blocks Numbers 22, 23 and 24, between Oak Street, Center Street, North Church Street and North East Street; and I understand that this piece of property was purchased in order to have room for future passenger and freight facilities. It is my opinion that the passenger depot should be rebuilt in the block where it is at present located and that the most desirable location for the freight depot is midway between North Garden and North East Streets. The location of the freight depot at that point would necessitate the closing of North Bridge Street between Oak Street and the alley running east and west between Oak and Center Streets, a distance of one hundred and twenty-four (124) feet. It was agreed at the hearing between the parties involved that the Commission's order should be made contingent on the closing of this portion of North Bridge Street and also on the closing of the south half of Oak Street between North Church and North Garden Streets, the latter closure being necessary for the development of desirable passenger facilities in front of the proposed new passenger depot. The chairman of the City Council

of Visalia and several councilmen who were present stated their opinion that the city would be willing to have these portions of streets closed provided the depots are built as outlined. The Commission is not committed to one particular type of building in favor of another, but it appears to me that a passenger depot of lath and plaster, or of concrete, or of concrete hollow tile, or of other suitable material, will best serve the needs of and be appropriate for the city of Visalia. It is my opinion that it is reasonable and just for the defendant to expend for such a structure, this being the passenger depot proper, a sum of not less than fifteen thousand (\$15,000) dollars. Such a passenger depot, I believe, will be adequate not only for the present but make provision for the reasonable future needs of the city of Visalia. The freight depot should be one of the company's standard structures, and it appears to me unnecessary to prescribe a particular type of structure.

The construction of separate passenger and freight depots will make necessary a rearrangement of the track layout. The complainant protested against certain particulars of the present track arrangement, but since this arrangement will be changed in any event, it is not necessary to go into this matter at this time. The defendant should be required to submit to the Commission, for its approval, plans of both depots and of the proposed track layout, and these plans will be forwarded to the complainant and to the city of Visalia for suggestions, so that any desired changes can be considered when these plans are ready.

Immediately south of the passenger depot site, and facing on the alley between North Church and North Garden Streets, there are located at the present time a livery stable and a number of temporary and unsightly shacks, which should be removed. One of the owners of these properties was present at the hearing, and

agreed to remove his structures whenever the defendant actually commenced construction.

If the portion of North Bridge Street, as described heretofore, is closed, it will be necessary at all times to have the alley through Blocks 22, 23 and 24, between North Church Street and North East Street, unobstructed for public travel; and the defendant has agreed to keep the space between its facilities and this alley open for public travel. The defendant has also agreed to remove the warehouse in the southwest corner of its property in Block 23, and facing this alley and North Garden Street.

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

I find further that a freight depot, separate from the passenger depot, should be erected on the site outlined heretofore; said freight depot to be of a design satisfactory to this Commission. I recommend that the construction of the passenger and freight depots should be made contingent upon the closing of North Bridge Street, from the north line of the alley running east and west through Blocks 23 and 24, on the south, to the south line of Oak Street on the north; and also the closing of the southerly half of Oak Street between North Garden Street and North Bridge Street; and I recommend to the city of Visalia that the necessary ordinance be adopted.

I find that three (3) months will be a reasonable time from the date of this order in which the defendant should submit plans for these depots and for the new track layout and secure the approval of the Commission; and that one (1) month will be ample time for the discussion and approval of these plans by the Commission and the city of Visalia. I find further that after the final approval of the plans by the Commission the construction of both the passenger and freight depots should be completed within ten (10) months. I find that the total cost of the proposed improvements will amount to not less than Twenty-five Thousand (\$25,000) Dollars.

O R D E R

VISALIA BOARD OF TRADE, 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 the present passenger and freight facilities in the city of Visalia are inconvenient and inadequate for the traffic at that point; and that the Southern Pacific Company should erect on its property in the block bounded by Oak Street and an alley on the north and south, and by North Church and North Garden Streets on the west and east, in the city of Visalia, a passenger depot of the cost and type as hereinbefore specified; and should also erect on the site hereinbefore specified a freight depot of such design and construction as shall be approved by the Commission; the construction of these depots to be made contingent upon the closing of a portion of North Bridge Street and a portion of Oak Street, and upon certain other conditions as hereinbefore specified; and basing its order on the

findings contained herein and upon the opinion proceeding this order;

IT IS HEREBY ORDERED, That the defendant shall within three (3) months from the date of this order present to the Railroad Commission, for its approval, complete plans of passenger and freight depots and of a new track layout on the location hereinbefore described, and shall complete both depots and the necessary track arrangement within ten (10) months after the final approval of the plans by the 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 14th day of December, 1914.

A. S. Loveland

W. J. Gordon

Edwin O. Edgerton

Commissioners.