

ORIGINAL

Decision No. 2186

In the matter of the adequacy of the Station Facilities of The Atchison, Topeka and Santa Fe Railway Company at San Diego, California.

Case No. 780

- E. W. Camp for The Atchison, Topeka & Santa Fe Railway Company
- T. B. Cosgrove, City Attorney, for City of San Diego.
- M. A. Luce for B. Street property owners
- O. W. Cotton for San Diego Realty Board.

DEELON, Commissioner.

O P I N I O N

This is an investigation on the Railroad Commission's own motion into the adequacy of the station facilities of The Atchison, Topeka and Santa Fe Railway Company, hereinafter referred to as the Santa Fe, at San Diego. A public hearing was held in San Diego on February 19, 1915.

The present passenger depot building of the Santa Fe at San Diego was built in 1887. It is a wooden structure which has outlived its usefulness and is now clearly inadequate to handle the Santa Fe's passenger business at San Diego. The present track layout and other facilities are also no longer adequate to meet the present reasonable requirements. Realizing this condition, the Santa Fe planned a new passenger depot, new freight house and a far more extensive track layout, all as indicated on a tracing which is attached to the petition in Application No. 1461 and marked Exhibit "A". This exhibit as well as the testimony of Mr. G. W. Harris and Mr. Hunt, officials of the Santa Fe, presented in Application No. 1461 were made a part of the record in this proceeding. Pursuant to this plan, the Santa Fe has erected various new structures

on its depot grounds in San Diego, including a fully equipped and artistic passenger depot which would be a credit to the Santa Fe and to San Diego if opened. Although the new depot has been completed for some time, the Santa Fe has refused to open it and has compelled and is still compelling the traveling public to use the dilapidated and inadequate facilities which the new depot was intended to replace. This condition of affairs is particularly aggravating at the present time, in view of the fact that thousands of passengers are traveling to and from San Diego over the lines of the Santa Fe for the purpose of visiting and returning from the Panama-California Exposition at San Diego.

The Commission received complaint from the San Diego Realty Board concerning the Santa Fe's failure to open its new passenger depot and after a personal inspection by one of its members, instituted this investigation on its own motion.

At the hearing, Richard Sachse, the Commission's Chief Engineer, testified that public convenience and necessity require the opening and operation of the new passenger depot, that two tracks necessary to connect the company's existing tracks with the new depot can be constructed within one week at an expense of not over \$500.00, not including paving on B Street and to the north thereof, and that the present old depot can be torn down and the Santa Fe station plans completely executed within three weeks.

The evidence further shows and I find as facts that the present station and depot facilities are entirely inadequate to meet the reasonable requirements of the traveling public; that the present depot building is inadequate and dilapidated; that passengers from the rear coaches are compelled to alight in mud when it has rained and in dust in dry weather, frequently among box-cars, and to cross an exposed switch track in order to reach the public streets and that the Santa Fe has failed in these respects to take the most ordinary precautions for the convenience of its passengers; and that the present track layout is entirely inadequate.

for the proper handling of passenger traffic.

At the hearing, a portion of the Santa Fe's own allegations in the petition in Application No. 1461 was read into the record. The Santa Fe alleged in part that the City of San Diego has, during the last year, been engaged in the work of preparing ^{for} the opening of the Panama-California Exposition, and that the exposition has been widely advertised throughout the United States and other countries of the world and undoubtedly will attract large numbers of people thereto; that for the purpose of providing ample and comfortable facilities for handling this traffic, the Santa Fe has necessarily expended a large sum of money in demolishing its old facilities and building new ones at San Diego, consisting of new passenger and freight depots and altered yard and terminal facilities; that among other things still necessary to be done by the Santa Fe is the tearing down and removal of its old passenger depot, the installation of additional railway tracks across B Street and the laying down of vitrified brick pavement; and that the convenience of the public having business with the Santa Fe at its station and of travelers to San Diego and its Exposition "absolutely demands and requires" that this work be done and that the Santa Fe desires to undertake this work and to complete it by the time the Exposition opens. Reference is made to these allegations for the reason that they show that the Santa Fe itself unqualifiedly recognizes that public convenience and necessity demand and require the tearing down of the old passenger depot and the operation of the new depot and the necessary track layout in connection therewith.

In answer to the direct question why the Santa Fe is refusing to open the new passenger depot and to complete its own station plans in connection therewith, Mr. E. W. Camp, Solicitor for the Santa Fe, replied that the sole and only reason is because the City of San Diego has not permanently closed B Street, as requested by the Santa Fe. This contention makes necessary a brief reference

to the B Street crossing. On December 17, 1914, the Santa Fe filed with this Commission its petition in Application No. 1461, requesting an order authorizing the company to construct certain additional tracks across "B" Street in San Diego, as shown on the tracing already referred to, for the purpose of conveniently operating its new passenger depot. After a public hearing, the Commission on January 20, 1915, made its order granting the Santa Fe's request, on condition that the City of San Diego, through its Common Council, should suspend traffic over B Street between Arctic Street and Atlantic Street for a period of three years. It is stated in the opinion that if at the end of three years it should appear desirable to resume traffic at this point, either at grade or by a separation of grades, the City of San Diego can again bring the matter before the Commission. It should be noted that the petition merely asked for an order authorizing the construction of the additional tracks across B Street, but that the Commission, in addition to granting the request, safeguarded the operation of the Santa Fe in the manner indicated. The City Council of San Diego promptly passed an ordinance as suggested by this Commission and has done its full part to make the Commission's permission effective. Attention should also be drawn to the fact that persons owning property along B Street protested before the City Council and before this Commission against the closing of B Street and that at the present hearing their counsel stated that if any attempt is made to close B Street permanently these property owners will resist such action, by years of litigation, if necessary, unless they have first been compensated for the damages which they claim they would suffer from such closing. Both the B Street property owners and the City of San Diego were entirely satisfied with the Commission's order, and the Commission supposed the matter had been closed. In view of all the facts, the Commission was of the opinion and is still convinced that the solution contained in its order was a sensible, practical solution, calculated to secure the opening of the new passenger depot without litigation or delay.

The Santa Fe now urges that the City Council had no

power to suspend traffic along B Street without permanently closing the street and has filed a memorandum of authorities to this effect. The City Attorney of San Diego insists with equal earnestness that the city in enacting the ordinance, acted clearly within its jurisdiction. These matters are entirely irrelevant in the present proceeding. The present proceeding is in no way based on the Commission's permission granted in the B Street matter. The Commission clearly has power to compel the Santa Fe to give adequate and efficient service and to provide proper station and depot facilities. The Commission has power to this end to compel the Santa Fe to do what is required by public convenience and necessity, including the construction of tracks across B Street.

Everyone agrees that some protection must be provided for the B Street crossing. Three methods of according this protection have been suggested. One method is to close B Street permanently now, with the possibility of a viaduct or subway later, if required by traffic conditions. Another method is to leave B Street open to traffic, but to compel the Santa Fe to install crossing gates or similar devices and a watchman if necessary. Still another method is the one suggested by the Commission, being a suspension of traffic for three years, at the end of which time all parties will have sufficient additional information so as to make it entirely reasonable to expect at that time a permanent solution satisfactory to all sides. The Commission's solution was reached in a hearing brought on by the Santa Fe itself and after a full and fair opportunity to the Santa Fe to present its views. The Santa Fe's present position, that it will not proceed unless its particular plan is adopted and unless it is accorded exactly what it demands, without reference to any other solution, or the views of any one else, no matter how carefully and fairly those views may have been formulated, is entirely inconsistent with the Santa Fe's attitude in matters heretofore pending before this Commission and entirely at variance with the broad gauge policy which it was generally supposed that the Santa Fe was pursuing.

It must be distinctly borne in mind that none of the three solutions of the B Street situation hereinbefore outlined can be said to be the one exclusively required for the public convenience and necessity at the present time. ^{If} The Commission's suggestion made in its order in the B Street matter stands, the problem is solved for three years and until the further order of the Commission. If the Santa Fe is correct in its contention that the ordinance enacted by the Common Council of San Diego for its protection is void, on which question we express no opinion for the reason that it is immaterial in this proceeding, and it becomes necessary to adopt other measures to protect this crossing, the Commission can promptly direct the Santa Fe to install the necessary crossing gates or other appropriate safety devices and to employ a watchman if necessary.

In order that there be no question in the matter, the order will grant to the Santa Fe authority to lay its tracks across B Street to the full extent necessary to comply with the order.

Of course, if the City Council desires to close B Street, this Commission can have no objection to such action. Such action would be entirely consistent with the order herein. The point on which the Commission insists, in the public interest, is that the new passenger depot be opened immediately, whichever one of the ^{three} methods of handling the B Street problem is adopted now or hereafter.

I find as a fact that the Santa Fe's present operated passenger station and depot facilities at San Diego are inadequate, insufficient and unreasonable and that the Santa Fe is not giving in respect thereto the service to which the traveling public is reasonably entitled. I further find as a fact that public convenience and necessity require the completion by the Santa Fe of the plan shown on said Exhibit "A" attached to the petition in Application No. 1461, in so far as said plan relates to passenger

service and particularly the opening and operation of the Santa Fe's new passenger depot and the construction of the necessary track layout in connection therewith, as indicated on said Exhibit "A". I further find as a fact that 10 days is a reasonable time for the opening and operation of said new passenger depot and the construction of the tracks necessary to reach the same, and that four weeks is a reasonable time for the removal of the existing operated passenger depot and the full completion and operation of the plan shown on said Exhibit "A" in so far as it relates to passenger service. I further find that the Santa Fe should be directed to proceed as indicated in the order herein.

I submit the following form of order:

O R D E R

The Railroad Commission having on its own motion instituted the above-entitled proceeding and a public hearing having been held therein and the case having been submitted and being now ready for decision,

The Railroad Commission hereby makes as a finding of fact each statement and finding contained in the opinion which precedes this order. Basing its order on each and all of said findings,

IT IS HEREBY ORDERED as follows:

1. The Atchison, Topeka and Santa Fe Railway Company is hereby ordered, within ten days, to open and operate its new passenger depot at San Diego and to construct and operate the tracks necessary for this purpose as shown on the tracing attached to the petition in Application No. 1461 and marked Exhibit "A", which tracing in so far as necessary is hereby made for all purposes a part of this order.

2. The Atchison, Topeka and Santa Fe Railway Company is hereby ordered, within four weeks, to remove its existing operated passenger depot at San Diego and to complete and operate

the track layout and facilities necessary for the execution and operation of the plan shown on said tracing marked "Exhibit A," in so far as the same relates to passenger service.

3. The Atchison, Topeka and Santa Fe Railway Company is hereby granted authority to construct its tracks across B Street in San Diego at its own expense to the full extent necessary for complete compliance with each provision of this order, subject to the usual reservation to the Railroad Commission of the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem just and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

4. This order shall become effective ten days after date.

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 1st day of March, 1915.

Mar. Thelen
H. H. Villard
Wm. Gordon
Edwin J. Edgerton
Frank R. Doherty
Commissioners.