

Decision No. ✓.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application of
CITY OF CALEXICO for permission to
construct a crossing at grade over
the tracks of Southern Pacific Com-
pany at Fifth Street, in the City
of Calexico, Imperial County, Cal-
ifornia.
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ORIGINAL

Application No. 1889.

Decision No. 2852

Walter H. Sprague and Leslie Reed, for applicant.

George D. Squires, for Southern Pacific Company.

GORDON, Commissioner.

O P I N I O N.

This application was filed with the Commission on
September 27, 1915, and a public hearing was held at Calexico on
October 19, 1915.

As the caption states the application looks to the opening
of Fifth Street across the tracks of Southern Pacific Company. At
the proposed point of crossing the tracks are six in number consist-
ing of one main line track and five tracks used as sidings, drill
tracks and industrial spurs. In addition to these tracks there is a
crossover located partly within the limits of the proposed crossing
with one of its switches about in the center of the proposed street
extension.

The tracks of Southern Pacific Company traverse the
City of Calexico in a north and south direction. The residence and
business sections of the city and the original industrial district
are to the east of the tracks. The territory to the west of the
tracks, between the tracks and New River, has been set aside as the
future industrial district of Calexico, and some industries are
already located there, immediately across the tracks from the
principal industries on the east side. There are at present two
crossings over the tracks within the city. The southerly crossing
at Second Street crosses five tracks near the engine house of the
Railroad Company. The other crossing, at Grant Street, is 2800

feet north of Second Street and crosses four tracks. Fifth Street is about 1200 feet north of Second Street and is thus approximately half way between the two crossings now open. West of the track it joins a north and south highway called River Road.

It is the contention of the City that the open crossings which now give access from one side of the tracks to the other are neither sufficient nor properly located to serve the business of the town; that the industrial district of the City is cut in two by the tracks and that the convenience of those who use the streets and the proper development of the City depends upon the opening of this proposed crossing. As factors of less importance it is claimed that the opening of Fifth Street will take considerable heavy teaming from the main streets of the city which are shortly to be paved, and will take much traffic from the Second Street crossing, where several engines are at all times under steam at the engine house and where it is consequently difficult to cross with teams.

The Southern Pacific Company opposes the granting of this application on the grounds that public convenience and necessity do not require the opening of the crossing involved, and that it is located in the center of a busy switching yard, which would make operation difficult and dangerous.

I am of the opinion that the City has proved the need of another crossing nearer the center of the City than the two now in existence. The territory immediately north and south of the proposed crossing on the west side of the track is not accessible by a legal highway from Grant Street and although a private road now extends from West Railroad Boulevard, which connects with that street, southward across the right-of-way of the Southern Pacific Company, and three tracks upon it, and across the lands of the Imperial Valley Oil and Cotton Company to Fifth Street on the west of the tracks, this road is open only on sufferance and can be closed at any time either by the Railway or the Cotton Company.

If this road were a legal highway, to reach this industrial district it would still be necessary for traffic from the northeast to cross the tracks at Grant Street and cross the three spur tracks on what is now the private road as well as a spur track on West Railroad Boulevard, which parallels the track for a short distance south from Grant Street. With this situation in mind it will be seen that there is no means of providing for traffic from the northeast part of the city and the country northeast of the city, to this industrial district by any desirable route.

I believe, however, there should be a road leading from this proposed crossing westward to the city limits, or some point near the river, and thence north to join the county road. As the crossing is now proposed there will be no legal connection to the north with Fifth Street west of the tracks. This will make it necessary for traffic coming from the country north of Fifth Street and west of the track, to cross the railroad twice in reaching the industrial district between the tracks and the river; once at Grant Street or further north, and once at Fifth Street. This is plainly an undesirable situation and since it can be remedied by the construction of a road from the junction of Fifth Street and River Road west toward the river and thence north, I am inclined to believe that the granting of this application should be made contingent upon the construction of such a road.

I have discussed the desirability of this crossing for the use of traffic coming from the north and east. The need of the crossing for traffic coming from the south and west is undoubtedly considerable. Much of this territory is devoted to cotton growing and the industries on both sides of the track are mainly connected with that business. Because there is no direct road from one side of the tracks to the other, a rancher having business with the industrial plants on both sides of the track must make a detour of 2400 feet when possibly the points he desires to reach are less than

500 feet apart across the tracks. Similarly those who deliver cotton to the plants on the west side of the track must drive back to Second Street and thence north to reach the business section of the town when, with this crossing open, the business section could be reached almost on a direct homeward route.

Many other matters might be mentioned in which the opening of this crossing would serve public convenience, but it seems unnecessary to dwell upon them, although it is necessary to consider the matter from the view point of the Southern Pacific Company.

There is no question but that a crossing in a railroad yard is undesirable and that the Callexico yard is a comparatively busy one. However, the six regular trains which run over the main line all start from or stop at the station, which is about 600 feet south of the proposed crossing and the speed at Fifth Street will necessarily be slow. Except for these trains and possibly an occasional extra freight train, all movements over the crossing are made by one switch engine which is only part of the time at work.

Undoubtedly the opening of this street will cause the Railroad Company a certain amount of hardship in the arrangement of its transportation facilities to [~]emply serve the growing city, but it seems to me unreasonable to expect that the development of a city should be made secondary to the development of its railroad facilities, or that those facilities should be developed at the expense of the convenience of those who patronize the industries which use them. It is apparent that such a situation would exist in the present instance. The city must bear all the inconvenience so the Railroad Company may efficiently operate its plant and provide for the future, or the Railroad Company must put up with some inconvenience in order that the City may more conveniently lay out its streets and regulate its traffic.

If this crossing were to be operated with the tracks as they are today some protection would undoubtedly be needed, and

it is entirely possible that it will be needed in any event. Since, however, the necessity for protection depends upon the method of operation which, in turn, depends upon the track layout and the location of the switches, it is impossible to determine at this time whether protection is needed and, if so, of what it should consist, and I believe the Commission should reserve the right to order at any time such protection as it may deem necessary, and to apportion the expense of such protection, and other incidental expenses, between the railroad and the city on a basis which may to it appear to be equitable.

I recommend the following form of order:

O R D E R.

CITY OF CALEXICO, having applied to the Commission for permission to construct Fifth Street at grade across the tracks of Southern Pacific Company, in the City of Calexico, Imperial County, California, and a hearing having been held, and it appearing that this application should be granted, subject to certain conditions to be hereinafter specified,

IT IS HEREBY ORDERED, That permission be and the same hereby is granted the City of Calexico, Imperial County, California, to construct Fifth Street at grade across the tracks of Southern Pacific Company, subject to the following conditions, and not otherwise, viz.:-

(1) The crossing shall be constructed of a width of eighty (80) feet, with grades of approach not exceeding three (3) per cent, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(2) The entire expense of constructing the crossing shall be borne by applicant.

(3) The expense of maintaining the crossing thereafter up to within two (2) feet of the rails of Southern Pacific Company shall be borne by applicant. The expense of maintaining the crossing

between the rails and to two (2) feet outside thereof shall be borne by Southern Pacific Company.

(4) Before this crossing shall be constructed applicant shall construct, or cause to be constructed, a public road with a width of not less than 60 feet, running westerly from the west right-of-way line of Southern Pacific Company at Fifth Street, to or near the west city limits of the City of Calexico, and thence northerly to connect with the county road.

(5) The Commission reserves the right to order such protection for this crossing as it may deem necessary, the cost of such protection and such other incidental expense as may have been incurred to be divided between the City of Calexico and Southern Pacific Company by the Commission.

(6) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossing as to it may seem right and proper, and to revoke its permission if, in its judgment, the public convenience and necessity demand such action.

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 29th day of October, 1915.

H. B. K. K. K. K. K.
W. L. K. K. K. K. K.
Edwin O. Edgerton
Francis R. Devlin

Commissioners.