

ORIGINAL

Decision No. 5334

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BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

CALIFORNIA ASSOCIATED RAISEN COMPANY,
a corporation,

Complainant,

-vs-

Case No. 1208.

SOUTHERN PACIFIC COMPANY, a corporation,
SOUTHERN PACIFIC RAILROAD COMPANY, a
corporation, THE ATCHISON, TOPEKA AND SANTA
FE RAILWAY COMPANY, a corporation,

Defendants.

W. A. Sutherland for Complainant.
George D. Squires for Southern
Pacific Company.
Platt Kent for The Atchison, Topeka
and Santa Fe Railway Company.

GORDON, Commissioner.

O P I N I O N

Complainant herein alleges that it is about to let contracts for the construction of a large plant for the purpose of treating, preparing and packing raisins in the City of Fresno; that to properly and expeditiously handle its business the plant must be in operation on or before the first of October, 1918; that nothing can be done toward the construction of the plant until arrangements have been completed for the construction of spur track facilities to handle freight; that it has for some months past repeatedly requested defendants to install these spur tracks but that they have not yet agreed to furnish them; that the

spur tracks can be constructed without a material increase in the hazard of operation of the railway lines, since the lead for the spur track connecting with the Santa Fe line would cross the Porterville Branch of the Southern Pacific within a few feet of the Santa Fe's main line crossing where it would be under the protection of an interlocking plant now installed. Complainant further says that it expects to handle over one thousand cars per annum originating at exclusive points of each of the two lines, making an estimated total of about 2,000 cars; that by having a connection with both tracks it would save a great deal of time and money which would be lost if either one of the two defendant railroads served the plant alone; and that by expediting the service cars would be released twelve to twenty-four hours earlier than if one railroad served the plant. Complainant files a map showing the proposed plant, the railroads in the vicinity, and the spur tracks it desires to have constructed, and asks the Commission to require the railroads to install the tracks.

In answer to the complaint Southern Pacific Company states that it is willing to install the spur track facilities desired by complainant but that it is unwilling to permit the Santa Fe to cross its Porterville line of railroad, as the plan of the complainant for spur tracks would materially increase the hazard of operation. The company further states that this plant can be reached by the main line of the Santa Fe from the north, thus serving it as adequately as under the proposed plan and making it unnecessary to cross the Southern Pacific Porterville line and obviating the dangers and hazards to be incurred by such construction.

The Santa Fe, in its answer, states that it is willing to provide the spur track facilities substantially as proposed by

the complainant, and that it has found no better way of serving the plant than that proposed. It states, however, that it has been unable to agree with the Southern Pacific Company regarding the crossing over its Porterville Branch, and for that reason has been unable to carry out the proposed plans.

A public hearing was held on this case on Saturday, April 13, ¹⁹¹⁸. Both companies are willing to construct the spur tracks to serve the plant of the complainant in accordance with the plans proposed so far as their own tracks are concerned, and the Santa Fe has no objection to the entire scheme. The Southern Pacific, however, does not believe that the Santa Fe should be permitted to cross its Porterville Branch and its proposed spur track which would leave the Porterville Branch and serve the eastern side of complainant's plant.

The proposed plant of the California Associated Raisin Company lies north of California Avenue, south of Hamilton Avenue, west of East Street and east of Pearl Avenue. The main line of the Santa Fe is immediately east of and parallel to East Street, while the Porterville branch of the Southern Pacific is located on the northerly side of California Avenue. The two lines cross at a point on California Avenue east of East Street, and the crossing is protected by an interlocking plant, as stated. Complainant's plans for spur track facilities contemplate two spurs leaving the Southern Pacific Porterville Branch, curving around an angle of 90 degrees and eventually running north and south through and into their proposed buildings. It is planned to bring the Santa Fe tracks in from an industry track extension to the west of its main line over a track crossing the Porterville Branch about one hundred feet west of the intersection of that track with the

main line of the Santa Fe. Just north of the crossing two tracks would serve complainant's buildings; one on the east side and one on the west. To reach the west side the proposed spur would cross the proposed spur of the Southern Pacific to the east side.

There is in my mind no doubt about the desirability and the need of spur tracks from both railroads to serve this plant even under present conditions. If only one company has track facilities there will be a delay of from twelve to twenty-four hours on all cars originating on the other line and shipped to the plant, resulting in a delay to the cars and a very serious inconvenience to complainant's business. It would undoubtedly be better to have the Santa Fe come in from the north than from the south across California Avenue, and the track of the Southern Pacific on that street, but to follow this course it would be necessary for complainant to secure right of way for the Santa Fe or for that company itself to secure it. Complainant has attempted to do this but the owner of the property immediately north of Hamilton Avenue which it would be necessary to acquire absolutely refuses to sell it. Under these circumstances the possibility of a spur track from the north seems to be disposed of and the question narrowed down into an inquiry as to whether or not the Santa Fe can safely be permitted to cross the tracks of the Porterville Branch and the proposed spur of the Southern Pacific.

It is the opinion of representatives of the Santa Fe that the present interlocking plant can be reconstructed to protect the crossings and permit trains to operate in absolute safety. Under the Commission's General Order 33 all plans for the construction or reconstruction of interlocking plants must be approved by the Commission, and I am of the opinion that the Commission should permit the Santa Fe to make the crossings referred to provided it can

work out interlocking plans which will be satisfactory to the Commission's engineering department, when those plans are sent for the approval of the Commission under General Order 33.

Both companies, as I have stated, expressed their willingness to build these spur tracks provided the Commission approved the crossing, so it is unnecessary to make a formal order requiring their installation. I believe, however, that in this proceeding permission should be granted the Santa Fe to cross the track of the Southern Pacific as well as East Street and California Avenue, two streets which it will be necessary to cross and which are not within the limits of the City of Fresno.

I recommend the following form of order:

O R D E R

CALIFORNIA ASSOCIATED RAISIN COMPANY having asked the Commission to require the Southern Pacific Company (Southern Pacific Railroad Company) and The Atchison, Topeka and Santa Fe Railway Company to construct spur tracks; and it appearing for reasons set forth in the foregoing opinion that it is unnecessary to make a formal order in this regard, but that permission should be granted one railroad to cross the tracks of the other, and the necessary streets and highways:

IT IS HEREBY ORDERED, That The Atchison, Topeka and Santa Fe Railway Company be and the same hereby is granted permission to cross the Porterville Branch of the Southern Pacific Company approximately at the point and in the manner shown in

the map attached to the application, subject to the following conditions:

- (1) The Atchison, Topeka and Santa Fe Railway-

CORRECTION

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THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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ORDER

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IT IS HEREBY ORDERED, That The Atchison, Topeka and Santa Fe Railway Company be and the same hereby is granted permission to cross the Porterville Branch of the Southern Pacific Company approximately at the point and in the manner shown in the map attached to the application, subject to the following conditions:

- (1) The Atchison, Topeka and Santa Fe Railway

Company shall submit to the Commission, prior to the installation of the crossing, plans covering the reconstruction of the present interlocking plant to protect the proposed crossings, and secure the Commission's approval thereof;

IT IS HEREBY FURTHER ORDERED, That the Atchison, Topeka and Santa Fe Railway Company be and hereby is granted permission to construct its spur track across East Street and California Avenue subject to the following conditions, viz.:

(1) The entire expense of constructing the crossings together with the cost of their maintenance thereafter in good and first-class condition for the same and convenient use of the public, shall be borne by Atchison, Topeka and Santa Fe Railway Company.

(2) Said crossings shall be constructed of a width and type to conform to that portion of the streets to be crossed now graded, with grades of approach not exceeding four (4) per cent; shall be protected by suitable crossings signs, and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

IT IS HEREBY FURTHER ORDERED, That the Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of these crossings 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 20th day
of April, 1918.

Max Thelen

Al Gordon

Edwin O. Egan

Commissioners.