

Decision No. 6757.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

The City of Manteca, San Joaquin  
County, California, a municipal  
Corporation,

Complainant,

vs.

Southern Pacific Company,

Defendant.

Case No. 1347.

J. R. Scott and E. F. Goodrum for City of Manteca.  
Frank B. Austin and J. B. Dawson for United States  
Railroad Administration, Southern Pacific Company.

MARTIN, Commissioner.

O P I N I O N

In this proceeding the City of Manteca asks that the Southern Pacific Company be required to construct and maintain a suitable crossing over and across its tracks at Vine Street in said city. Although the proceeding was initiated in the form of a complaint, it is to all intents and purposes a formal application, and it was so considered at the hearing.

Vine Street runs north and south through that portion of Manteca lying northeast of the Southern Pacific tracks. North of Yosemite Avenue it is known as Maple Avenue. Southwest of the railroad Vine Street extends southwest for only two short blocks, although it is platted on the city map to South Street, two blocks more to the south.

There are at present in Manteca two grade crossings

over the Southern Pacific Company's tracks, one at Yosemite Avenue, about nine hundred and twenty (920) feet northwest of Vine Street, and one at Hogan Road, about five hundred and eight (508) feet southeast of the crossing applied for, making a distance of about fourteen hundred and sixty (1460) feet between crossings. Yosemite Avenue is oiled macadam, while Vine Street and Hogan Road south of Yosemite Avenue, are dirt roads.

The main business district of Manteca is located on Yosemite Avenue (running east and west) between Hogan Road and the Yosemite Avenue crossing and on that portion of Vine Street - a block in extent - between the railroad right of way on the south and Yosemite Avenue on the north. The post office is in this block of Vine Street. Southwest of the railroad and between the two existing crossings are the cannery, a lumber yard, an hotel, the city water works, and several dwellings. The lumber yard adjoins Hogan Road. The water works and cannery and a few dwellings are adjacent or close by the proposed Vine Street crossing. At present the cannery and the water works are served by using Oak Street, a dirt road connecting Hogan Road with Willow Street near the Yosemite Avenue Crossing.

The right of way of the Southern Pacific Company at Vine Street is one hundred and fifty (150) feet in width. It runs through Manteca in a northwesterly and southeasterly direction and contains the main line track, a passing track, an industrial spur, three team tracks or sidings and, in addition, just north of the right of way, a track of the Tidewater Southern Railroad, making a total of seven tracks. At the request of the city, the Tidewater Southern was included in the proceeding.

Adjacent to Vine Street, and the right of way north of the tracks, are lumber warehouses and sheds. The cannery occupies

a similar position on the southwest corner of the proposed crossing.

The City bases its desire for a crossing at Vine Street on three general grounds; first, that it is needed to give convenient access to the cannery, water works and dwellings southwest of the tracks and to the post office, north of the tracks; second, that it will give a quick outlet to the fire department, which is kept entirely on the northeast side of the railroad, to that portion of town southwest of the tracks and, third, that it will relieve the congestion of traffic on Yosemite Avenue and Hogan Road, which are frequently blocked by trains, and often for considerable periods of time. That public opinion is back of this desire for a crossing is substantiated by the fact that petitions containing the names of many citizens were presented at the hearing.

The Southern Pacific Company opposes the opening of the crossing, alleging that it is extremely hazardous to street traffic. The company also claims that there would be a greater blockade of traffic at the Vine Street crossing than now results at Yosemite and Hogan Road crossings. Furthermore, the opening of Vine Street would so divide the railroad yard as to hamper the proper operation of the Company's facilities. The Company asserts that Manteca is sufficiently served by the two existing crossings, about fourteen hundred and fifty (1450) feet apart.

To consider the Southern Pacific Company's objections first, it is apparent that any crossing over several tracks would be dangerous, even with the most efficient means of protection, and that it would be more than usually dangerous here, where buildings occupy three corners of the crossing; where five of the tracks will frequently have cars standing on them, where it is impossible to protect more than two of the seven tracks with an automatic flagman, and where the tracks are so spaced that two

are on one side of the right of way, one on the other side and four to one side of the center. This is especially so since train movements over these tracks are rather extensive. These consist of four passenger and two regular freight trains each way daily. There are also several extra freight trains each way daily and considerable local switching. If the crossing is opened, it is clear that with but five hundred (500) feet between it and Hogan Road, that both of these crossings would usually be blocked at the same time, while freight trains were in the yard and while switching was taking place. In order to make uniform grades of approach on this crossing it will be necessary to raise the grade of the team and beet tracks about nine (9) inches, which would be quite expensive.

While considerable local inconvenience results by the detour made necessary by the location of the cannery with respect to business blocks and the post office, it would appear that this is largely a seasonal inconvenience. The post office in a growing town may be moved as exigency demands and it is conceivable that the present location of the post office in Manteca may be changed. With the growth of the town, it is likely that some day the city will install an additional fire hose cart at the water works for the protection of the southwestern portion of the town. It is probably true that during certain seasons of the year there is considerable congestion on Yosemite Avenue, and that the two existing crossings are often blocked, but the evidence is not convincing that these reasons are of sufficient importance as to require for their relief the opening of a new crossing, which would be extremely dangerous in location and difficult to protect. Further, it appears probable that much of the present inconvenience suffered could be eliminated by the improvement of Hogan Road and

Oak Street, and that part of Yosemite Avenue in the vicinity of the railroad crossing. The reasons advanced by the city for opening the crossing seem to be inadequate to offset the danger to the public and the interference with the operation of the railroad yard which would follow. In this matter arises the same question that always arises in railroad grade crossings, namely, public convenience vs. public safety, and, in this instance, the balance of weight seems to rest on the side of public safety.

O R D E R

CITY OF MANTECA, SAN JOAQUIN COUNTY, having applied to the Commission for an order requiring the Southern Pacific Company to open Vine Street, in said city, across its right of way and tracks, and a public hearing having been held and it appearing that the additional hazard to life and limb occasioned by the opening of this crossing would more than offset the benefits to the public from opening said crossing;

IT IS HEREBY ORDERED, That this application be and the same is hereby denied.

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 18<sup>th</sup> day of October, 1919.

Edwin D. Edwards  
H. J. Loveland  
Frank R. Devlin

Irving Martin

Commissioners.