

Decision No. 7057.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application)	
of the County of Imperial for per-)	
mission to construct a crossing at)	Application No. 6196.
grade over the tracks of Southern)	
Pacific Company at Niland, California.))	

By the Commission:

O P I N I O N

This is an application by the County of Imperial for permission to construct a public road at grade across nine tracks of the Southern Pacific Company at Niland, the crossing being located on the section line between Sections 3 and 4, Township 11 South, Range 14 East, S.B. & M.

A public hearing was held by Examiner Westover at Niland.

It appears from the testimony that there is at present an open private crossing at a point about 1300 feet east of the proposed crossing, the private crossing being used as a part of a well traveled road connecting Niland and Yuma and an open private crossing about 1000 feet to the west.

The station is about 300 feet west of the proposed crossing which is at the head of Memphis Avenue. Direct access between the station and the business portion of the town is afforded by a graveled walk maintained by the railroad company, This crosses the four side tracks which lie south of the station. Considerable complaint was expressed because the gravel path and the present private crossing to the east of the station are frequently blocked by trains.

The operating officials in attendance gave assurance that the rule requiring trains to be promptly cut at the gravel path and the private crossing would be more carefully observed and

strictly enforced. This should certainly be done as the pedestrians having occasion to pass to or from the station should be safeguarded. They showed also that the company had no intention of changing its attitude which has long permitted the use of the private crossing. It appears, however, that the company has long had plans drawn for the construction of a station near the head of Niland Avenue about 500 feet east of the proposed crossing and that the proposed crossing would equally interfere with train operation at the proposed new station. The date of construction of the station, however, is indefinite.

The reason assigned at the hearing by the county and its witnesses for desiring the crossing is that it would give access to the Yuma road now reached by private crossing 1300 feet east and would accommodate the owners of land lying north of the tracks. It appeared, however, that there were but three or four families living within a radius of three miles of the proposed crossing and that these people now use the private crossings referred to without much inconvenience.

When the question of the cost of installing the crossing arose and reference was made to the Commission's custom of requiring the applicant to pay for cost of constructing the crossing and for maintaining it up to a line two feet outside the rails, the Supervisor of the Road District in which the proposed crossing is located expressed the belief that the Board of Supervisors would probably be unwilling to assume the relatively large cost of installation and, in view of the danger to the traveling public incident to the use of a public grade crossing over nine railroad tracks so situated, seemed to favor the continuous use of the present crossing.

The Commission's engineers recommend against the granting of the crossing in this location, owing to the decided hazard to safety and the interference with railroad operation.

Apparently a more dangerous location for a grade crossing could not be found at Niland and the other facts not justifying the

granting of the application, it must be denied.

O R D E R

The County of Imperial having made application to this Commission for permission to construct a road on section line between Sections 3 and 4, Township 11 South, Range 14 East, S.B. & M., across nine tracks of the Southern Pacific Company at Niland, Imperial County, California, a public hearing having been held and it appearing to the Commission that this application should be denied,

IT IS HEREBY ORDERED, that the above entitled application be and it is hereby denied.

Dated at San Francisco, California, this 4th day of

June
~~May~~, 1921.

H. P. Anderson
H. J. Howard
Jessie Martin

Commissioners.