

Decision No. 23080.**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the CITY OF SANGER, a municipal corporation, of the Sixth Class, for permission to close Eleventh Street in said City across the Southern Pacific Railway's Right of Way, and for permission to open Eighth Street in said City across the Southern Pacific Railway's Right of Way.

Application No. 20594.

Samuel F. Hollins, for Applicant.
 E. W. Hobbs, for Southern Pacific Company.
 Francis C. Huebner, for certain protestants.
 H. J. Carling, for Leo Oliver and
 Dan Barsotti, protestants.

BY THE COMMISSION:

O P I N I O N

A public hearing was conducted in the above entitled application of the City of Sanger by Examiner Hunter at Fresno, August 14, 1936, and the matter is now ready for decision.

Southern Pacific Company's single track branch line extends through the City of Sanger in a general northerly and southerly direction. The primary business and developed section of the city extends from Fifth Street on the north to Eleventh Street on the south. Within this distance there are four grade crossings with the railroad at the following locations:

Fifth, Seventh, Ninth and Eleventh Streets.

The crossings are spaced an equal distance apart, being .960 feet from center line to center line. The next crossing to the south of Eleventh Street is at Walnut Avenue, located a distance of about 750 feet.

In this proceeding the City seeks an order authorizing the construction of Eighth Street at grade across the railroad and simultaneously closing the existing grade crossing at Eleventh Street. The district adjacent to the railroad between Fifth and Eleventh Streets is well developed with industries, particularly packing houses, as Sanger is a trading center for an extensive agricultural area from which there is a large rail shipment of fruit, grapes and field products.

The record shows that Eighth Street is the main entrance to the city from the east of the railroad, while Parkhurst Street, which is an extension of Seventh Street, is the main entrance to the west. The main business section of the city is along Seventh Street to the west of the railroad. A City witness, who is an employee of the Department of Public Works of the State of California, Division of Highways, testified that if the Eighth Street crossing with the railroad is constructed as proposed herein, it will fit in with a plan of improving Eighth Street to the west of the railroad to a connection with Parkhurst Street, and thereby offer through traffic an alternate route through the business section of the city to the west of the railroad; furthermore, that the cost of this highway improvement could be met with funds received from the State tax on gasoline.

A number of city officials and other interested parties testified on behalf of the City's request to open the Eighth Street crossing, contending that this additional crossing was necessary to meet the traffic requirements of the city. The Sanger Chamber of Commerce, by its resolution introduced as Exhibit No. 8, urged that the crossing be constructed.

On the other hand, there is testimony in the record opposing the opening of the Eighth Street crossing on the ground that there is little public need for it at present as the adjacent crossings at Seventh and Ninth Streets reasonably meet traffic needs for the present. Southern Pacific Company also opposed the opening of this crossing, primarily on the ground that public convenience and necessity do not justify this additional crossing; furthermore, it would seriously interfere with rail operations as it would not only involve a crossing over the main line but also five adjacent tracks, viz., one house track, one drill track, and three side tracks.

While the regular rail operation over this branch line is light during a portion of the year, amounting to one passenger train and one freight train in each direction daily, it is materially increased during the heavy shipping season, particularly with switching movements, as there are many industries located at Sanger which are served by the railroad.

The estimated cost of constructing the proposed Eighth Street crossing, including property and automatic protection, is shown by Exhibit 15 to be \$20,289. This estimate, however, includes an item of \$1,500 to cover the cost of moving a packing house which was recently destroyed by fire; therefore this item should be eliminated from the total estimate.

The matter of constructing a crossing at Eighth Street over Southern Pacific Company's tracks was before the Commission in Application No. 16778 and by Decision No. 23161, dated December 10, 1930, the Commission found in effect that sufficient public convenience and necessity had not been shown to exist to the extent that it would justify the granting of that application and it was therefore denied.

The proposed Eighth Street grade crossing, if constructed, would cross the railroad yards at Sanger with six tracks involved. Such a crossing is both hazardous and difficult to keep free from interference by trains and standing cars, and should therefore be allowed only upon a clear showing that public convenience and necessity justify such a crossing.

A careful review of the record in this proceeding leads to the conclusion that in light of the unfavorable conditions for a grade crossing at Eighth Street, the existing grade crossings at Seventh and Ninth Streets, which also cross this same railroad yard, reasonably meet the present highway traffic requirements for access over the railroad in this area and this situation would not be changed if the Eleventh Street crossing were closed, as proposed herein.

Turning now to the question of closing the Eleventh Street crossing, in the application it is alleged in paragraph 6-c-2 "That the Eleventh Street crossing is little used by traffic, and that the Sanger Fruit Growers Association desires to expand its packing house to the south over what is now Eleventh Street; that the Southern Pacific Company desires to permit this, in order that it may secure a greater number of cars to ship over its railroad; that public convenience and necessity would be served by closing Eleventh Street and opening Eighth Street."

The Eleventh Street crossing is located at the south end of Southern Pacific Company's yard at Sanger. Seven tracks are involved in this crossing, one of which is the main line, one a spur track and the other five are yard and industry tracks. Exhibit No. 17 shows the traveled portion of the Eleventh Street crossing to be 22 feet in width across the railroad yard, with an 80-foot right of way on either side of the railroad property. The testimony shows that the vehicular traffic over this crossing is light, a

considerable portion of which is to and from packing houses located on the east side of the railroad north of Eleventh Street. The railroad traffic at Eleventh Street is similar to that at Eighth Street, which is discussed above.

The City takes the position that there is little public need for this crossing and that the closing of it would permit of extending the facilities of the Sanger Fruit Growers Association's packing house to the south, for which there is an urgent need. The closing of this crossing and the opening of the Eighth Street crossing is urged in the resolution of the Planning Committee of the City of Sanger (Exhibit No. 9). Southern Pacific Company joins in the opinion that the Eleventh Street crossing should be closed on the ground that convenience to the little traffic flowing over this crossing does not justify its existence. On the other hand there is considerable testimony opposing the closing of the Eleventh Street crossing. This testimony came largely from adjacent property owners and fruit packing interests. Such a protest was received from the Sanger Citrus Association (Exhibit No. 11).

It appears from the record in this proceeding that the closing of the Eleventh Street crossing would not work an undue hardship upon the traffic now flowing over this crossing, as the railroad is paralleled on the west by "M" Street between the crossing at Walnut Avenue on the south and the Ninth Street crossing and others on the north. On the east side of the railroad "L" Street parallels the tracks between Fifth and Tenth Streets. It appears that "L" is not a dedicated street between Tenth and Eleventh Streets.

It is concluded from this record that the Commission should grant the City's request to close the Eleventh Street crossing and the Order will so provide.

O R D E R

A public hearing having been had in the above entitled proceeding and the matter being now ready for decision,

IT IS HEREBY ORDERED that the application of the City of Sanger to construct a crossing over Southern Pacific Company's tracks at Eighth Street, as applied for therein, is hereby denied.

IT IS HEREBY FURTHER ORDERED that the City of Sanger's application to close the Eleventh Street crossing (No. EC-220.1), as applied for therein, is hereby granted, provided, however, that this authority shall be exercised within one year from the date of this order. Upon the vacation of this crossing by the City of Sanger, it shall be effectively barricaded by the City and Southern Pacific Company shall abolish the crossing over its right of way and remove the crossing sign, and so advise the Commission within thirty (30) days thereafter.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 31st day of August, 1936.

W. B. Lewis
Leon Whittell
M. A. Cunn
W. H. [unclear]
Frank [unclear]

Commissioners