

ORIGINAL

Decision No. 29895.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
the City of Oceanside to construct a  
street across the tracks and right-  
of-way of The Atchison, Topeka &  
Santa Fe Railroad.

APPLICATION NO. 20995.

Maurice W. Myers, City Attorney, for Applicant.

M. W. Reed, for The Atchison, Topeka & Santa Fe Railway  
Company, protestant.

WHITSELL, COMMISSIONER:

O P I N I O N

In this application, the City of Oceanside seeks permission to construct First Street at grade across the tracks and right of way of The Atchison, Topeka and Santa Fe Railway Company in the City of Oceanside. Public hearing in this matter was held at Oceanside on April 21, 1937, at which time it was duly submitted, and it is now ready for decision.

The evidence shows that the City of Oceanside is now engaged in a comprehensive plan of improving The Strand along the beach front. This Strand is separated from the adjacent general ground level to the east by a cliff some fifteen (15) feet high, and the only existing highways over the tracks of The Atchison, Topeka & Santa Fe Railway Company which provide direct entrances and exits to The Strand are located at Sixth Street and Wisconsin Street. In addition to these two crossings, however, there are, at the present time, grade crossings at Third Street located seven hundred sixty (760) feet north of the proposed First Street crossing, and at Tyson Street, located eight

hundred thirty-four (834) feet south of the proposed First Street crossing. The Third Street crossing is improved with asphaltic concrete, seventy-five (75) feet in width, crosses three tracks, and is protected with a wigwag of the Commission's Standard No. 3 type. Tyson Street is a dirt road and the crossing itself conforms to this type of construction. It is, however, protected by an automatic signal, and this roadway crosses five (5) tracks.

It is the contention of applicant that prospective patrons of the beach facilities who are not entirely familiar with the city street system, frequently pass the Sixth Street entrance to The Strand without observing that it is cut through, and upon being informed that they must either retrace their course or proceed to Wisconsin Street in order to reach the beach by car, go elsewhere.

In the opinion of the City, by opening First Street to The Strand, persons traveling through will be enabled to see the beach front and can proceed across the tracks to the beach along that artery.

City officials estimate the population of Oceanside as evidenced by Exhibit No. 3, at approximately five thousand (5,000) permanent residents at the present time, in addition to which there are a large number who come there for the summer. In fact, the evidence indicates that at times during the summer months there are as many as ten thousand (10,000) persons at this beach.

In further support of the application, the City of Oceanside contends that the means of access at First Street is necessary in order to aid the fire protection facilities as well as proper policing of the beach. From this point of view, how-

ever, it is my opinion that these facilities can be accommodated by the Third Street crossing and subsequent use of the Municipal Pier and ramps to The Strand.

The Atchison, Topeka & Santa Fe Railway Company vigorously opposed the granting of this application, basing its opposition upon the contention that sufficient grade crossings already are in existence within the City of Oceanside, to meet present needs, and that two roadways providing access to the beach are ample to accommodate any crowd which might reasonably be expected. First Street, if constructed, would cross seven (7) tracks of The Atchison, Topeka & Santa Fe Railway Company. Unless these trains were cut, the crossing would of necessity be blocked to traffic for long periods of time by all northbound trains which must stop for water at the Oceanside station.

The crossing would be an expensive one to construct as shown by Exhibit No. 8, which estimates the cost at approximately Eighty-one Hundred (\$8100.00) Dollars.

It is apparent from the record that this is the type of grade crossing which is difficult to protect in a practical and inexpensive manner. Although a large number of witnesses were produced by applicant who testified as to the necessity for the First Street crossing, a careful review of the record leads me to the conclusion that this testimony is based upon civic desire rather than actual need.

It would be possible, however, and entirely practicable to construct an additional approach to The Strand from Tyson Street, if such additional approach is deemed necessary. For a substantially lesser sum of money, the existing crossing could be improved and additional protection provided so that for all practical purposes that crossing would serve the same needs as the one proposed at First Street.

It appears from this record that The Strand has a capacity of twelve hundred (1200) cars, and that frequently in the past, all available parking space for automobiles has been occupied. Therefore, from that point of view, there would seem to be little justification for providing another means of access to a location which can already be and frequently is filled to capacity from the two highways now provided.

The national tendency is to eliminate dangerous grade crossings rather than permit the installation of new points of potential hazard, and I am of the opinion that public interest can best be served by the use of existing crossings. I am of the further opinion that public convenience and necessity do not at this time warrant the construction of a grade crossing at First Street, and that this application should be denied. The following order will so provide.

#### ORDER

Public hearing having been held and the Commission being fully advised,

IT IS HEREBY ORDERED that the application of the City of Oceanside, to construct First Street at grade over the tracks of The Atchison, Topeka and Santa Fe Railway Company, be, and the same is hereby denied without prejudice.

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

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 28<sup>th</sup>  
day of June, 1937.

William A. ...  
Leon ...  
Green ...  
Ray ...  
Chas. ...