

Decision No. 21563.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Oxnard, a Municipal Corporation, of Ventura County, California, requesting the construction of a crossing over the Southern Pacific Railroad in the City of Oxnard.

ORIGINAL

Application No. 21563.

Chas. F. Blackstock, City Attorney, for the City of Oxnard.

H. W. Hobbs and F. X. Vieira for Southern Pacific Company, Interested Party.

BY THE COMMISSION:

O P I N I O N

In the above numbered application, the City of Oxnard seeks permission to construct Seaboard Avenue at grade over the main coast line track of Southern Pacific Company in the City of Oxnard.

A public hearing was held at Oxnard on April 7th, 1938, before Examiner Ager, at which time the matter was duly submitted.

The Seaboard Lemon Association recently has completed a lemon packing plant located immediately east of Southern Pacific Company's tracks and north of Seaboard Avenue. This plant has a capacity of approximately 500 cars of lemons per year and, according to the testimony, the capacity will be doubled sometime in the near future. East of the property of the packing plant and between Colonia Road and the north city limits of Oxnard is a tract of some sixty-seven acres which, according to the testimony, is to be developed in the immediate future as industrial and residential property. Applicant contends that a crossing as proposed in this

application is necessary, in order to provide access both to the packing plant and to this potential development.

The record shows that a sixty-foot easement for street purposes has been dedicated to the City of Oxnard by the owners of the packing plant property but the evidence further shows that this dedicated street extends only from the easterly right of way line of Southern Pacific Company to the easterly property line of the lemon association's holdings. Although Exhibit No. 1 indicates that it is proposed to open Seaboard Avenue through the entire tract, witnesses testified that to date this portion of the street has never been dedicated. Trucks and other vehicles now desiring to reach the plant from the north or west must proceed to an existing crossing at Cooper Road, six hundred and twenty-nine feet south, thence over Cooper Road to Hayes Avenue, thence over Hayes Avenue to the packing plant site; thus requiring these vehicles to travel some twelve hundred feet, which would be unnecessary were the proposed crossing to be constructed.

The evidence indicates that approximately two truckloads of fruit are required to make one carload which would mean that, on the basis of five hundred cars being shipped per year, there would be some two thousand truck movements over the proposed crossing per year, assuming that all of these trucks came from the section north and west of Oxnard. A traffic count made on February 18th, 1938, and introduced as Exhibit No. 10 by Southern Pacific Company, shows that on the day in question there were five hundred and fifty-three automobiles, one hundred and thirty-five trucks and three hundred and seven pedestrians over the Cooper Road crossing.

At the site of the crossing, as proposed, Oxnard Boulevard parallels the railroad at a distance of ninety feet (center line to center line). This artery is heavily travelled by vehicles

at comparatively high rates of speed. If a crossing at Seaboard Avenue were constructed, it is reasonable to assume that signs, requiring all vehicles entering Oxnard Boulevard to stop prior to entering the boulevard, would be erected. It can be readily seen that, if a large truck and trailer made this stop, in all probability the trailer would not have cleared the railroad tracks, thus creating considerable hazard to railroad traffic.

The record shows that there is an average of fourteen passenger trains and ten freight trains per day through the City of Oxnard. These trains have a speed restriction of forty miles per hour for passenger and twenty miles per hour for freight trains.

Although witnesses testified that the area adjacent to the proposed crossing was rapidly developing, cross-examination of these witnesses developed the fact that, other than that along the highway, no real development has taken place in the area. Applicant contends that the new crossing would provide better view conditions but there appears to be some difference of opinion as to this statement and it is the Commission's opinion that there is little choice in this respect between the existing crossing at Cooper Road and the proposed one at Seaboard Avenue.

While the construction of this crossing unquestionably would be of some benefit to the Seaboard Packing Plant, it does not appear unreasonable to the Commission that persons desiring to reach this plant from the north and west should be required to travel the comparatively short additional distance (six hundred and twenty-nine feet), necessary to reach the Cooper Road crossing. It would appear appropriate that we herein direct attention to the following language which appeared in Decision No. 16885, dated June 11th, 1926, on Application No. 12353:

"The opening of the crossing would possibly increase the value of the land fronting on Kalana Avenue and perhaps promote its more ready sale. It is not apparent,

however, wherein this is a valid reason for opening a new crossing. This land was purchased by its present owners with full knowledge that the crossing was not open and it must be presumed that the purchase price reflected any depreciation in value due to that fact. It is not the policy of this Commission to grant grade crossings merely to promote the sale of real estate, and since the agricultural resources of this tract are apparently as fully developed as any of the surrounding lands in that it is practically all planted to bearing orchards, there is apparently no public need for frequent changes in ownership."

Except for the location of the packing plant in the immediate vicinity, the instant application seems to closely parallel, in many respects, the situation which existed in that proceeding.

Careful consideration of the entire record in this matter, leads us to the belief that there is little merit in the contention that a new crossing should be opened within six hundred and twenty-nine feet of an existing crossing and we are of the opinion that the application should be denied. The following Order will so provide.

O R D E R

The City of Oxnard having made application for permission to construct a public highway at grade across the track of Southern Pacific Company at Seaboard Avenue, a public hearing having been held and the matter being under submission and ready for decision;

IT IS HEREBY ORDERED that the above entitled application be and it is hereby denied without prejudice.

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

Dated at San Francisco, California, this 2nd day of May, 1938.

Walter S. ...  
Leon ...  
Frank ...  
Ray ...  
Ray ...  
Commissioners.