

Decision No. 32633.

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of the City of Coalinga, a City of the Sixth Class, existing under and by virtue of the laws of the State of California, for permission to construct a public road across Sixth Street between Forest and Glenn Streets, across Southern Pacific Company railroad tracks, in the City of Coalinga.

Application No. 22836.

Arthur Blank, City Attorney, for the City of Coalinga.

R. S. Myers, for Southern Pacific Company, Protestant.

BY THE COMMISSION:

O P I N I O N

The above numbered application, filed by the City of Coalinga, seeks the Commission's authority to construct Sixth Street at grade across the Coalinga branch of Southern Pacific Company.

Public hearing in this matter was conducted by Examiner Ager at Coalinga on October 10th, 1939, at which time it was taken under submission, and it is now ready for determination.

Coalinga is the westerly terminus of the railroad involved and the record shows that at the present time there are crossings over these tracks at Third Street, Fourth Street, Fifth Street and at the intersection of Seventh and Polk Streets. Fifth Street is one of the main arteries of travel in the City of Coalinga and carries a substantial volume of traffic at relatively high speeds. The natural growth of the city is toward the west and it is the city's contention that the lack of a crossing at Sixth Street has a tendency to stifle the development of that portion of the city.

The new City Hall has recently been completed at the intersection of Sixth and Elm Streets and, in addition, there has been substantial business development in this immediate area. Residents desiring to travel from the area southwest of the tracks to the City Hall or other locations in the business district in the vicinity of Sixth and Elm Streets must of necessity take a circuitous route to reach this point, with attendant vehicular traffic hazards if they use Fifth Street. Rail traffic on the line involved consists of three round trips by a freight train per week, arriving at Coalinga from the east in the evening and departing from that point toward the east in the morning. From this point of view, therefore, the establishment of an additional crossing would not appear to be a serious matter.

Southern Pacific Company opposed the granting of the application upon the grounds that present crossings provide sufficient routes for any volume or character of traffic which might exist now or in the future. The company also took the position that construction of Sixth Street over the tracks would necessitate the relocation of some industries which have their warehouses located partially within the street area, and also would tend to reduce the usefulness of an existing team track. The most serious objection offered by the company appeared to be from the standpoint of costs, it being its opinion that, if the Commission saw fit to authorize the construction of the crossing, then the company should not be required to bear any portion of these costs.

Careful summation of the evidence in this proceeding leads us to the conclusion that the last mentioned objection of the company is the only substantial one which has been offered and we are of the opinion that, if the City of Coalinga is sufficiently anxious to construct the Sixth Street crossing at grade over these tracks, then it should be required to assume the entire burden of paying for the same.

In arriving at this conclusion, we are ever mindful of the fact that all grade crossings are points of potential hazard but we also recognize the fact that the rail line involved carries no substantial volume of traffic and what traffic there is proceeds at relatively low rates of speed. Ordinarily we would subscribe to the opinion expressed by the protestant - that grade crossings at every block are an unnecessary evil - but consideration must be given to other circumstances involved. Based upon the foregoing opinion, it appears that the application is not unreasonable and should be granted. The following Order will so provide.

O R D E R

Public hearings having been held and the matter having been submitted;

IT IS HEREBY ORDERED that the City Council of the City of Coalinga, in the County of Fresno, State of California, is hereby authorized to construct Sixth Street at grade across the tracks of Southern Pacific Company at the location more particularly described in the application and as shown by the maps attached thereto, subject to the following conditions and not otherwise:

- (1) The above crossing shall be identified as Crossing No. BD-26S.5.
- (2) The entire expense of constructing the crossing, including the relocation of those buildings southwest of the tracks and within the street area of Sixth Street, shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by the applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company. Southern Pacific Company shall perform all actual work of constructing the crossing between lines two (2) feet outside of the outside rails.
- (3) The crossing shall be constructed of a width of not less than eighty (80) feet and at an angle of ninety (90) degrees to the railroad, with

grades of approach not greater than three (3) per cent, shall be constructed equal or superior to type shown as Standard No. 2 in our General Order No. 72, shall be protected by two standard No. 1 crossing signs, as specified in our General Order No. 75-3, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.

- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.
- (6) The Commission reserves the right to make such further orders, relative to the location, construction, operation, maintenance and protection of such crossing, as to it may seem right and proper and to revoke its permission if, in its judgment, public convenience and necessity demand such action.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of December, 1939.

Ray A. Wiley
Frank B. Schenck
Ray A. Wiley
Justin J. Coenen
Commissioners.