

Decision No. 323132

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
CITY COUNCIL OF THE CITY OF DAVIS for an)
order authorizing the construction of a)
public street at grade across the tracks)
of the Southern Pacific Company at Fifth)
and "H" Streets in the City of Davis.)

Application No. 23138

THOMAS E. REYNOLDS, and C. C. McDONALD, for Applicant
R. S. MYERS, for Southern Pacific Company.

CRAEMER, COMMISSIONER:

O P I N I O N

The City of Davis filed the above-entitled application requesting authority to construct a crossing of Fifth Street with the main line and side tracks of Southern Pacific Company in that city.

A public hearing was held at Davis on March 1, 1940, at which time the matter was submitted.

Davis is the junction point between the Southern Pacific Company's main line between Oakland and Ogden and its line to Portland via the west side of Sacramento Valley. The crossing requested in this application is with the latter line.

The City of Davis lies entirely to the north of the Ogden line track and is divided by the tracks of the Portland line, approximately one-quarter of the city's area lying to the east of these tracks, with the main business district, the public schools, the University of California campus, and principal residence section

lying to the west. The district east of the tracks is approximately four blocks wide and four blocks long, most of the area being partially developed residential property, although certain sections in the vicinity of the tracks are used industrially. Immediately to the east the Pacific Gas and Electric Company has a large plant which blocks further expansion in that direction. An exhibit presented at the hearing shows that there are sixty-three residences in this district.

Access to this district is at present over two existing crossings at Third and Fourth Streets. Applicant now proposes to open Fifth Street which is 400 feet to the north of Fourth Street. The northerly city boundary east of the railroad is at Sixth Street.

Applicant has stipulated that the opening of Fifth Street will not shorten the distance for any considerable number of residents, but it is claimed that a crossing at this point will furnish a route into the district west of the tracks at times when the Third Street and Fourth Street crossings are blocked by passing or standing trains. Evidence was presented that such blocking is a frequent occurrence, particularly in the morning and evening, and that persons going to and from work, and school children, are inconvenienced. The hazard of having these crossings blocked in the event of fire in this district is also stressed.

Southern Pacific Company opposes the opening of an additional crossing at this point, taking the position that the two existing crossings are adequate to serve this small residential district and that a crossing at Fifth Street would present more than the usual accident hazards common to all grade crossings with railroad tracks. The view conditions would be obscured by trees and buildings and by cars stored on the adjacent side tracks.

The proposed crossing would be with four tracks, one main line and three yard tracks, which are used for storing of cars and making up trains at this junction point. The opening of Fifth Street would reduce the capacity and hinder the operations of this yard.

The Company's trainmaster in charge of this district testified as to the company's operations at Davis and the use made of the several tracks. According to his testimony it is a fact that trains block the Third Street and Fourth Street crossings, particularly southbound trains. With respect to these trains, he states that long passenger trains stopping at Davis Station would block the Third Street crossing, and the freight trains would block both crossings. It appears, however, that any train which at present blocks the Fourth Street crossing would also extend a considerable distance north of Fifth Street and block the use of the proposed crossing as well. In fact the trainmaster stated that the possibility of trains blocking the crossings would be greater at Fifth Street than at the existing crossing of Fourth Street.

There is no complete traffic count indicating the amount of use of the present crossings, but a partial count made by Southern Pacific Company during off-peak hours showed that approximately 150 vehicles used the Fourth Street crossing during a six-hour period from 9:00 a.m. to 3:00 p.m. The Southern Pacific engineer estimated that approximately 400 vehicles a day might use the proposed crossing at Fifth Street, all of which would be diversion from the two existing crossings.

The City of Davis contends that Southern Pacific Company's tracks occupy a public street through the City of Davis, at present known as "H" Street, but in earlier days designated as Woodland Street. Old maps and records are presented in evidence to support this claim, and on the other hand Southern Pacific Company contends

that its tracks are on private right of way and presents a copy of a deed as a basis for its position. It is not a function of this Commission to determine property rights and, even although the existence of "H" Street were fully admitted, the opening of a crossing would still have to be determined upon the public necessity for such crossing.

The stipulation of applicant that the proposed crossing would not shorten the distance to any substantial degree narrows the question as to whether or not the opening of the crossing at Fifth Street would solve the problem which arises from the blocking of the present crossings. While this blocking is unquestionably annoying and inconvenient to the citizens of Davis, and probably presents the possibility of fire equipment being cut off from a section of the city at times, it does not appear that the opening of a crossing at Fifth Street will furnish any relief.

Two crossings at grade with railroad tracks within a distance of four blocks are certainly adequate, and while the crossing at Fifth Street in lieu of the existing crossing at Fourth Street would better distribute the means of access to this district, the closing of Fourth Street is not proposed by applicant. To permit the opening of an additional crossing at Fifth Street would be a marked reversal of the past policies of this Commission with respect to numerous similar crossing applications, and under the circumstances and the record in this proceeding I can make no other recommendation than to deny the application. As a matter of fact, the opening of a crossing at this point was previously before the Commission in 1923 in Application No. 8981, and a similar order was made on that application. The following form of order is suggested.

O R D E R

The City of Davis having made application to construct a grade crossing with Southern Pacific Company's tracks at Fifth Street in that city, a public hearing having been held, the Commission being apprised of the facts, and the matter being under submission and ready for hearing,

IT IS HEREBY ORDERED that the above-entitled application be denied.

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.

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

Dated at ^{Los Angeles} ~~San Francisco~~, California, this 21st day of March, 1940.

Ray L. Allen
Francis P. Allen
Robert J. Allen
M. J. Allen
Justus F. Allen
Commissioners