

Decision No. 38719

ORIGINAL

In the Matter of the Application of the CITY OF OXNARD for an order authorizing the installation and construction of a grade crossing over the Southern Pacific Company's Line at the extension of Colonia Road which is just north of present crossing No. E-407.3.

Application No. 26815

CHARLES F. BLACKSTOCK, City Attorney, for Applicant
E. BISSINGER, for Southern Pacific Company

BY THE COMMISSION:

O P I N I O N

In this application the City of Oxnard requests permission to construct and open to traffic Colonia Road at grade across the tracks of Southern Pacific Company's main line.

A public hearing was held in this matter before Examiner Hall on January 30, 1946, at which time the matter was submitted for determination.

Southern Pacific Company's Coast-Line between Santa Barbara and Los Angeles runs in a southerly direction entering the City of Oxnard, and then curves and leaves the city in an easterly direction toward Los Angeles. The portion of the tracks involved herein is between the Oxnard depot and the north city limits where the track runs in a north and south direction. Immediately west of and parallel to the tracks is Oxnard Boulevard (Highway-U.S. 101). The street system of Oxnard is laid out east and west, and north and south. The following east and west streets from south to north now cross the railroad at grade.

Name of Street	Crossing Number	Number of Tracks	Protection
Third Street	E-407.7	5	2 Std. No. 1 Xing Sign
First Street	E-407.4	3	2 " " 1 " "
Cooper Road	E-407.3	2	1 " " 1 " "
Colonia Road (Proposed)		1	

The proposed crossing of Colonia Road is approximately 630 feet north of Cooper Road, and Colonia Road extends from Southern Pacific Company's right of way easterly several blocks into a residential area. Adjacent to the proposed crossing and northeast thereof is a large industrial plant, the entrance to which is on Colonia Road about one block east of the proposed crossing. Applicant showed that this crossing is needed for the freer flow of travel from the easterly portion of the city to Oxnard Boulevard and the business district.

It was also pointed out that the existing crossings of Third and First Streets and Cooper Road are very often blocked by freight trains and switching movements, whereas the location of the Colonia Road crossing would be north of the switching area.

With the opening of Colonia Road crossing, applicant was agreeable to closing the crossing of First Street.

A delay check at First Street taken by the City Engineer in February 1946 during daylight hours indicated that an average of 6.5 trains per day passed Oxnard, blocking First Street on an average of 11.55 minutes each. For the period of seven days 45 trains blocked First Street a total of 8 hrs. 40 min. or an average of one hour and 14.2 minutes per day.⁽¹⁾ This does not include delays from switching movements.

Southern Pacific Company made a traffic check⁽²⁾ at both First Street and Cooper Road crossings on April 10, 1945, between the hours of 7:00 a.m. and 6:00 p.m. which showed the following results:

	<u>First Street</u>	<u>Cooper Road</u>
Pedestrians	599	495
Bicycles	37	70
Trucks and Automobiles	630	1,178
Train movements (including switching)	39	31
Total time crossing closed by trains	58½ Min.	65½ Min.

(1) Exhibit No. 1.

(2) Exhibits 6 and 7.

Testimony showed that none of these trains would block the Colonia Road crossing unless it exceeded 90 cars in length, which rarely happens in this territory.

Southern Pacific Company was agreeable to the opening of Colonia Road provided the First Street crossing is closed.

A review of the evidence indicates that Oxnard would be better served by the opening of the Colonia Road crossing than by the continued use of First Street crossing, and it appears that the request is reasonable.

Applicant desired that this crossing be protected by automatic signals, which was concurred in by Southern Pacific Company. The cost of providing flashing light signals (Standard No. 8 - G.O, 75-B) with their circuits, is estimated to be about \$4,000, of which \$1,100 is for labor and \$2,900 for materials. In this estimate provision is made for directional closed type track circuits to the south of the crossing. They were decided upon in order to preclude excessive ringing when trains are standing or switching in the switching area adjacent to First and Third Streets. Witness for Southern Pacific Company testified that the provision of these circuits added approximately \$450 to the cost of installation.

It would appear that the signals, as proposed, should be installed.

The opening of Colonia Road crossing and closing of the First Street crossing would be advantageous to both applicant and the railroad. The opening of Colonia Road would provide a route between the two portions of the city for vehicular traffic unhampered by standing trains. On the other hand, however, the closing of First Street would be advantageous to the railroad in that it might freely switch over the First Street area, thus obviating the necessity of cutting trains where they are required to stand an abnormally long time.

In view of these advantages to both applicant and the railroad, and after a review of the entire record, we are of the opinion that the cost of installing and providing protection for the Colonia Road crossing should be as follows:

Construction of the crossing should be borne by applicant. Southern Pacific Company should bear the cost of preparing the track to receive pavement. Cost of installing No. 8 flashing light signals should be borne by applicant; however, Southern Pacific Company should contribute \$450 to cover the installation of directional track circuits. Cost of removal of the existing crossing at First Street should be borne by Southern Pacific Company. Maintenance of crossing approaches should be borne by applicant and maintenance of signals and the pavement (in the track section) should be borne by Southern Pacific Company. The following order will so provide.

O R D E R

A public hearing having been held and the matter being under submission;

IT IS HEREBY ORDERED that:

I. The City of Oxnard, in the County of Ventura, State of California, is hereby authorized to construct Colonia Road at grade across the track of Southern Pacific Company at the location more particularly described in the application and as shown by the map attached thereto and made a part hereof, subject to the following conditions:

- (1) The above crossing shall be identified as Crossing No. E-407.1.
- (2) The crossing shall be constructed of a width of not less than forty (40) feet and at an angle to the railroad of approximately 90 degrees, with grades of approach not exceeding six (6) per cent and shall be constructed equal or superior to type shown as Standard No. 2 of our General Order No. 72; shall be protected by two Standard No. 8

flashing light signals, as specified in our General Order No. 75-B, provided with directional track circuits on the south (east railroad direction) of the crossing, and shall in every way be made suitable for the passage thereover of vehicles and other road traffic:

- (3) The expense of constructing the crossing shall be borne as follows:

The cost of preparing the track to receive the paving shall be borne by Southern Pacific Company.

The entire expense of constructing the crossing, exclusive of preparing the track, shall be borne by applicant.

The maintenance of that portion of said crossing outside of lines two feet outside of the rails shall be borne by applicant. The maintenance of that portion of said crossing between lines two feet outside of the rails shall be borne by Southern Pacific Company. No portion of the cost herein assessed to applicant for the construction and maintenance of said crossing shall be assessed by applicant in any manner whatsoever to the operative property of Southern Pacific Company.

- (4) Southern Pacific Company shall contribute \$450.00 to the cost of installing said flashing light signals and their attendant circuits. All remaining construction cost of signals shall be borne by applicant. Cost of maintenance of said signals shall thereafter be borne by Southern Pacific Company.

- (5) 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.

- (6) 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.

- (7) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance, and protection of said 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.

II. Upon completion of the grade crossing herein authorized and upon its being opened to public use and travel, applicant shall legally abandon and effectively barricade and close to public use and travel the grade crossing of First Street, identified as Crossing No. E-4074, located 1,260 feet south of the crossing herein authorized.

Southern Pacific Company shall immediately thereafter perform all the work in connection with physically abolishing said grade crossing.

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

Dated at San Francisco, California, this 26th day of February, 1946.

Harold Anderson
Justice F. Coe

James D. Lowell
Harold P. Huls

Commissioners