

Decision No. 41918

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| In the matter of the application of |) | |
| the City of Oxnard, for the widening |) | |
| and paving of Southern Pacific Rail- |) | |
| way Crossing No. E-407.3 on Cooper |) | |
| Road within the City of Oxnard, Ven- |) | Application No. 29337 |
| tura County, California, under Article |) | |
| 8, Section 32 of the Rules of Procedure |) | |
| of the Public Utilities Commission of |) | |
| the State of California. |) | |

APPEARANCES

George C. Shannon, Earl O. Imus, Rudolph Beck and Reginold Vola for applicant; and E. L. H. Bissinger for Southern Pacific Company.

OPINION

By the above-numbered application the City of Oxnard seeks authority to widen and improve an existing crossing at grade at Cooper Road with Southern Pacific Company's main Coast Line tracks in the northerly section of the city. Public hearing in this matter was held at Oxnard on July 7, 1948, at which time it was duly submitted and is now ready for determination.

The record shows that Cooper Road is now open over the Southern Pacific tracks, but that the actual crossing is only 20 feet in width whereas the traveled roadway east of the crossing is 51½ feet wide. This results in a "bottleneck" for traffic desiring to utilize Cooper Road in traveling to and from Oxnard Boulevard, which is located immediately west of and parallel to the railroad.

No protest to the proposal to improve the crossing developed at the hearing, nor was there any difference of opinion as to the necessity for the improvement. The sole difficulty arises by reason of the city's contention that Southern Pacific Company

should assume a substantial portion of the costs. This position is predicated upon the fact that when Colonia Road (about 600 feet to the north) was opened to public use and travel pursuant to the authority granted by the Commission's Decision No. 38719 dated February 26, 1946, in Application No. 26815, all of the costs in connection therewith (with the exception of \$450 which Southern Pacific Company contributed toward the cost of installing the signals and their circuits) were borne by the city; and that therefore a greater proportion of the expense of improving the Cooper Road crossing should be borne by the railroad.

Application No. 26815 involved the construction of an entirely new crossing over these tracks, whereas the instant application involves the improvement of an existing crossing. It has been a more or less standard practice of the Commission in matters of this nature to assess all of the costs of a new crossing to the applicant and to divide the cost of improving existing crossings on a basis of approximately 50% to each of the parties.

The record shows that on March 17, 1948, Southern Pacific Company addressed a communication to the City of Oxnard in which it agreed to assume 50% of the cost of installation of flashing light signals at the crossing and all of the costs of reconstruction within the track area of the existing crossing, and the widening of the same. The city recognized the need of the signal protection at Cooper Road but indicated an inability to finance the cost of such installation. If the work were done on the basis suggested by Southern Pacific Company, the costs would be approximately \$3,175 to the City of Oxnard, as compared with approximately \$4,472 to Southern Pacific Company.

The City of Oxnard will be required to expend additional monies for the improvement of Cooper Road up to a point 2 feet

outside of the outside rails, but this portion of the improvement is solely for the benefit of vehicular traffic and the railroad should not be expected nor required to assume any portion of this cost.

Because there is a well-protected crossing at Colonia Road some question arises as to the necessity for any crossing of these tracks at Cooper Road, but the record shows that the area south of this street is highly industrialized and that Colonia Road does not have sufficient capacity to accommodate all of the traffic which may desire to enter or leave the area east of the tracks.

We therefore conclude that the widening of Cooper Road as proposed by the City of Oxnard is in the public interest, that the application should be granted, and that the cost should be divided in accordance with the following order.

ORDER

A public hearing having been held and the Commission now being fully advised,

IT IS HEREBY ORDERED that the City of Oxnard be, and it hereby is, authorized to widen and improve Cooper Road over the Main Line tracks of Southern Pacific Company at the location described in the application, and substantially in accordance with the plan (Exhibit A) attached thereto, subject to the following conditions:

1. The above crossing shall be identified as Crossing No. E-407.3.
2. Two Standard No. 3 flashing light crossing signals (G.O. No. 75-B) shall be installed for the protection of the crossing, the costs of which shall be borne on a basis of 50% by the City of Oxnard and 50% by Southern Pacific Company.
3. All of the costs of reconstructing the track area between lines 2 feet outside of outside rails and

the widening of the crossing to the new width between such lines shall be borne by Southern Pacific Company.

4. All other costs in connection with the proposed improvement shall be borne by the City of Oxnard.
5. The maintenance of that portion of said crossing outside of lines 2 feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of said crossing between lines 2 feet outside of the outside rails, as well as the maintenance of the signals, 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.
6. Applicant shall, within thirty days thereafter, notify this Commission in writing of the completion of the improvement of said crossing and of its compliance with the conditions hereof.
7. 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.
8. 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.

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

Dated at San Francisco, California, this 3rd day of August, 1948.

R. T. Anderson
Joseph H. Bayless
Harold P. Nichols
Herbert W. Patten