

Decision No. 86605

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the City of El Centro to construct a
City Street across the Right-of-Way
of the Southern Pacific Transportation
Company at Villa Avenue in the North
El Centro Area.

Application No. 56298
(Filed February 26, 1976)

Steven Zimmer, Attorney at Law,
for the City of El Centro,
applicant.

William E. Still, Attorney at
Law, for Southern Pacific
Transportation Company,
respondent.

David E. Pierson for Imperial
County Board of Supervisors,
interested party.

Robert W. Stich for the
Commission staff.

ORDER OF DISMISSAL

The city of El Centro (City) seeks authority to construct a city street (Villa Avenue) at-grade across the tracks of the Southern Pacific Transportation Company (SP) at mile post 698.71 in the City, Imperial County, California.

City alleges that the nearest public crossing to the south is approximately 2,050 feet at-grade on Euclid Avenue (Crossing No. BN-699.1) and the nearest public crossing to the north is approximately 5,200 feet at-grade at Clark Road (Crossing No. BN-697.6). City alleges that the proposed crossing is necessary and will serve a public need to provide access and

increase convenience to elementary and secondary schools to the residents of family housing tracts lying immediately east of the SP's north-south right-of-way. It alleges that a grade separation structure is not practical because it is economically unjustified; there is a short distance between the 6th Street right-of-way and the SP right-of-way; and the anticipated average daily traffic is approximately 2,000 vehicles upon the establishment of the crossing as requested.

City alleges that the protection necessary for the safe operation of the crossing is the installation of two Standard No. 9 flashing light signals and gates. It does not propose to alter the existing railroad grades and the street is proposed to cross the tracks with a smooth vertical alignment.

A letter from SP to the Commission dated April 5, 1976 states that SP is not agreeable to the proposed crossing as it would cross seven tracks in the middle of SP's El Centro yard and would interfere with its yard operations. SP suggests that if a crossing is necessary at that location that City give consideration to constructing an overhead crossing.

Public hearings were held in El Centro from 2:00 to 4:00 p.m. and 7:00 to 9:00 p.m. on September 28 and on September 29, 1976 before Examiner James D. Tante, and the matter was submitted on that date.

Letters were received by the Commission from the Economic Opportunity Commission of Imperial County, Inc., and a citizen of El Centro who is owner of the Villa farm subdivision area, recommending that the authorization as requested be granted.

Exhibit 1, an Imperial County Board of Supervisors resolution; Exhibit 2, 24 photographs; Exhibit 3, a right-of-way map; Exhibit 4, a schematic drawing of the SP tracks in Imperial Valley; and Exhibit 5, the Commission staff report were received in evidence.

Eight members of the public were present at the evening hearing on the first day and three of them made statements.

The director of public works for Imperial County; the assistant fire chief of City; a member of the city council of City; City's director of public works; an Economic Opportunity Commission representative; and the city engineer of City testified for City. An SP trainmaster responsible for the operation of SP's trains in the El Centro area and an assistant division engineer for SP testified for SP. An associate transportation engineer testified for the Commission staff.

No evidence was introduced pertaining to the impact, if any, that the proposed project would have on the environment.

SP's tracks pass through the City in a generally southwesterly direction. In the northern portion of the City from Euclid Avenue (Crossing No. BN-699.1) north to Clark Road (Crossing No. BN-697.6), the railroad has five yard or storage tracks in addition to its main track.

On the eastside of the SP's tracks a residential area is developing but there is no school in that section of the City. There is an elementary school and a junior high school one block west of the SP tracks in the northeastern portion of the City and school children living in the northeasterly part of town must cross the tracks to attend school. The nearest available crossing is southerly of the proposed crossing at Euclid Avenue which

necessitates the walking of several extra blocks in order to get from the residential area to the schools. The additional distance from that area northeasterly of the intersection of Villa Avenue and Fourth Street, the place of the proposed crossing, is .6 mile to the junior high school and .75 mile to the elementary school. Many of the students do not take this safe route but take a short-cut across the tracks at Villa Avenue, which on many occasions results in a dangerous practice of the students crawling under or through trains which are standing or stored there in order to get to the other side of the railroad tracks.

Villa Avenue is at the north limit of the City and the alignment of the proposed crossing is where the railroad has a branch track, five yard or storage tracks, and one crossover track. Trains of cars are made up and stored on the yard tracks in such manner that an at-grade crossing as proposed would be blocked much of the time.

The witness for the Commission staff recommended that the authorization be denied for the reasons set forth in Exhibit 5. In that Exhibit the staff recommended the following alternatives:

- "1. Construction of a pedestrian crossing at separated grades over the railroad's tracks.
2. Construction of a pedestrian and vehicular crossing at separated grades over the railroad's tracks.
3. Bussing students to school who live on the east side of the tracks."

At the conclusion of the presentation of City's evidence, SP made a motion to dismiss the application on the grounds that the evidence showed that Imperial County was an indispensable

party to the application and had not been joined, and that City had presented no evidence pertaining to the cost of the proposed project. This motion is denied as moot as can be seen by the order herein.

At the conclusion of the presentation of evidence and after all parties had rested, City made a motion to dismiss the application without prejudice and stated that it would not refile an application concerning a crossing at the location requested herein before September 29, 1977 unless it had the consent of SP and the Commission staff, and that the order herein may contain such a provision. SP and the representative of the Commission staff did not object and stipulated that the motion should be granted.


IT IS ORDERED that:

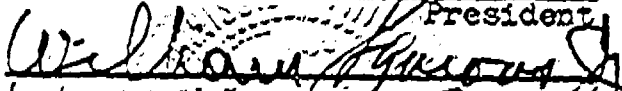
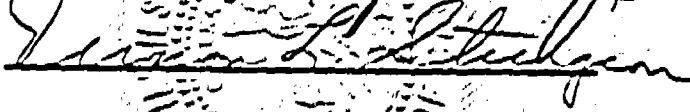
1. Application No. 56298 is dismissed without prejudice.
2. The city of El Centro shall not file an application before September 29, 1977 for authorization to construct a city


street across the right-of-way of the Southern Pacific Transportation Company at Villa Avenue in the north area of El Centro without prior consent of that company and the Commission staff. ✓

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1976.



President





Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.