

ORIGINAL

Decision No. 16745.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application
of Southern Pacific Company for
an order authorizing the con-
struction at grade of a spur track
across State Highway in vicinity
of Atwater, County of Merced, State
of California.

Application No. 11,741.

Henry W. Hobbs for Applicant.
Paul F. Fratessa for California Highway
Commission.
Wm. M. Tudor for California State Auto-
mobile Association.

WHITSELL, COMMISSIONER:

OPINION ON REHEARING

This is a proceeding in which Southern Pacific Company requests authority to construct a spur track across the State Highway at Atwater, Merced County, California. A hearing was held at Atwater on November 27, 1925, as a result of which the Commission on January 13, 1926, entered its Decision No. 15782 denying the application.

In its former decision the Commission held that the nature of the track, which is to serve a tract of land on which it is proposed to establish packing houses, and the frequent switching over the crossing would greatly increase the hazard and inconvenience to the public using the highway, and that since other locations suitable for industries were apparently

available, the crossing was not justified.

On February 1, 1926, Southern Pacific Company filed its Petition for Rehearing claiming that a change in the proposed track layout within the tract would greatly reduce the number of switching movements across the Highway; that a proposed road connection at the easterly end of the tract would relieve the State Highway of a great deal of slow moving traffic to and from the industrial tract; and that the placing of packing houses on the opposite side of the track would subject the shippers having occasion to reach such industries to the hazard of crossing the high speed main line tracks.

On March 8th the Commission granted the petition of Southern Pacific Company and entered its order reopening the matter for further hearing, such further hearing being held on April 13, 1926, at Atwater.

At this rehearing the revised track layout was presented. Under the plan formerly proposed the switches leading to the several industries from the main lead faced the Highway whereas under the new plan the lead would be extended a sufficient distance beyond the last switch to permit access to switches facing in the opposite direction. It is alleged, in the petition, that the estimated number of sixteen movements per day across the Highway, which the Commission considered in making its prior order, would be reduced to two per delivery, applicant failing, however, to state the number of deliveries per day.

From the record of the prior hearing, it appeared that because of the grade characteristics of the lead a minimum of sixteen switching movements per day over the crossing could be expected when the tract was fully developed industrially, regardless of the number of additional movements occasioned by switching the several spurs on account of the switches facing the high-

way. There was testimony, however, to the effect that this latter class of movements could, with proper care, be avoided. The effect of facing the switches in the opposite direction is to preclude the possibility of such unnecessary switching over the highway crossing and the revision of the track layout is therefore desirable. If this industrial development is carried out the track layout should be constructed substantially in accordance with the revised plan.

The grade of the track from the Highway to the connection with the main line is an important feature since it not only limits the size of the cuts it is possible to bring out of the district thereby necessitating more movements over the crossing, but also adds considerable to the hazard. The grade shown on the plan is two (2) per cent but when proper shoulders on the highway are provided for and allowance made for vertical curves, a grade of approximately three (3) per cent would result. According to the testimony of the railroad's engineer a one per cent grade is feasible and if the crossing is constructed a grade not exceeding one per cent should be used in order that the total number of movements over the Highway may be reduced to a minimum.

It was urged that the placing of the packing houses on the proposed site would reduce the number of crossings of the main lines by growers bringing in their crops, it being claimed that because of the arrangement of roads in the vicinity practically all of the hauling to a tract on the south side of the tracks would cross the main line once and some of it twice. The hazard to this traffic should be weighed against the hazard and inconvenience that a spur track crossing over a main trunk highway would cause. When a volume of traffic on the Highway of between two and three thousand vehicles per day is compared with the number of vehicles required to transport the fruit and produce packed at

Atwater, the hazard to this latter traffic becomes relatively small. A considerable portion of the crop is now handled at plants access to which requires crossing of the main line tracks and these plants will, no doubt, continue to operate in their present location. The opening of a new tract will have little, if any, effect in reducing the hazard to this traffic.

Applicant's third contention is to the effect that the opening of an extension of Elm Avenue into the easterly end of the proposed industrial tract would have the effect of diverting from the State Highway the slow moving vehicular travel bound to and from the industrial sites. There is considerable merit in this contention and if the amount of such relief is sufficient to recompense the users of the Highway for the hazard and inconvenience of a spur track crossing the Highway, the construction of such crossing would be justified. As near as can be determined from the record approximately sixty per cent of the fruit and produce shipped from Atwater originates on the north side of the track and most of it is transported over the Winton and Shaffer roads, the former being intercepted by the Highway near the northerly limits of the business section and the latter near the southerly limits. One of the principal roads from the south enters the Highway opposite the Winton road, while two other roads from the south tributary to Atwater lead to the Highway at points a mile or more to the east and west of the town. As traffic destined for the packing houses from either of these latter roads must necessarily travel on the State Highway a certain distance regardless of the location of the industrial site selected, the discussion of relief of Highway congestion will be confined to the Winton, Shaffer and Bloss Roads.

Traffic from the Winton Road could by means of Elm

Avenue and its easterly extension reach the new site without entering the Highway and similarly traffic from the Shaffer Road, which intersects Elm Avenue, could be diverted from the Highway. It is also stated that traffic from the Bloss Road could, by means of 5th Street and Elm Avenue, reach the proposed site without interferring with highway traffic, excepting to cross between the northerly terminus of Bloss Road and the southerly terminus of 5th Street.

The above described diversion of traffic is probable in the case of the Winton and Shaffer Roads, but it is improbable that drivers of vehicles having occasion to use the Bloss Road will elect to travel some 3000 feet over a gravel or dirt pavement when a shorter route over a hard surfaced pavement is offered and it can be expected that all of the produce moving to Atwater from south of the track will continue to use the Highway for whatever portion of the route that may be convenient. It should also be taken into consideration that this so-called diversion of traffic from the Highway applies to a great extent to the future increase in traffic only for as long as the existing plants continue to operate at their present capacity, any congestion of highway traffic that may have, in the past, been caused by lines of vehicles awaiting entrance to these plants will continue to exist.

It is apparent, however, that considerable future congestion of highway traffic will be avoided by opening this industrial tract in the location proposed and for this reason and this reason only the track crossing should be permitted. Every precaution should therefore be taken that the full benefit of such relief is assured and the routes to which traffic is to be diverted should be put in such condition as to attract this traffic. The proposed extension of Elm Avenue should be suitably paved and

such paving should be one of the conditions to the granting of the crossing..

According to the record, traffic congestion now occurs in the highway at the point where vehicles making deliveries to the packing houses and cannery leave the highway and it is not unreasonable to expect that similar congestion will occur at the points where the driveways of the new district meet the highway. As such congestion would occur in the immediate vicinity of the track crossing and thereby increase its hazard to the public, it is recommended that an auxiliary driveway parallel and adjacent to the highway be constructed across the southerly end of the property it is proposed to develop.

Much of the travel on trunk highways such as this is through traffic, unfamiliar with local conditions and moving generally at higher speeds than the vehicular traffic usually encountered by spur tracks in public streets of the industrial districts of cities. It is therefore essential that any protection or warning of danger that is afforded be given a sufficient distance in advance to permit traffic to come to a stop with safety, and also that such protection be given to traffic moving in either direction. For this reason the customary maintenance of a single flagman at the crossing or the installation of a single automatic device on one side of the road is, in my opinion, insufficient. In the present case two automatic flagmen located on the proper sides of the highway and the track crossing are recommended, these flagmen to be manually controlled so as to give warning of approximately thirty (30) seconds in advance of every movement of cars over the crossing and to cease operating immediately on the passage of the last car. It is hoped that this result can be obtained by orders and instruction to trainmen but such measures failing, a system of electric lock-

ing may have to be resorted to.

To protect the public against accidents due to cars getting away on the descending grade and also the possibility of cuts being shoved out on the highway without proper protection, derails should be installed on each side of the highway.

If the above suggestions are carried out, the crossing can be permitted and the following form of order is recommended:

O R D E R

Southern Pacific Company, applicant herein, having filed with the Commission a petition requesting a rehearing in the above entitled proceeding, such rehearing having been held, the Commission being apprised of the facts, the matter being under submission and ready for decision, therefore,

IT IS HEREBY ORDERED, that permission and authority be and it is hereby granted to Southern Pacific Company to construct a drill track at grade across a State Highway in the City of Atwater, County of Merced, State of California, at a point approximately 1,350 feet easterly from the easterly line of First Street and as shown by the map (Stockton Division Drawing C-257) attached to the application; said crossing to be constructed subject to the following conditions, namely:

(1) The entire expense of constructing the crossing together with the cost of its maintenance thereafter in good and first-class condition for the safe and convenient use of the public, shall be borne by applicant.

(2) Said crossing shall be constructed equal or superior to type shown as Standard No. 3, in General Order No. 72 of this Commission and shall be constructed without superelevation and of a width to conform to that portion of said highway now graded, with the tops of rails flush with the pavement, and with grades

of approach conforming with the existing grade of said highway at this point; shall be protected by suitable crossing signs and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Derailing switches shall be installed at the boundaries of said highway and said derails shall at all times excepting during actual movement of trains across the highway be kept locked in such a position that any car, train or engine moving toward the highway will be derailed.

(4) Two automatic flagmen of a type and installation in accordance with plans or data approved by the Commission shall be installed and maintained for the protection of said crossing. Said automatic flagmen shall be controlled manually and shall be operated for a period of thirty (30) seconds in advance of the passage of any locomotive, motor or car over said crossing, and during the occupancy of said crossing by any locomotive, motor or car, but shall not be operated at other times.

(5) A driveway at least forty (40) feet in width shall be constructed across the southerly end of the tract of land which it is proposed to serve by the track requiring said crossing. Said driveway shall be paved to conform in type with the other driveways constructed within said tract of land.

(6) A roadway shall be constructed from the easterly terminus of Elm Avenue at First Street in the City of Atwater easterly to the tract of land which it is proposed to serve by the track requiring said crossing and said roadway shall be paved for a width of twenty (20) feet with crushed rock or gravel to a depth of at least six inches or with some superior type of pavement.

(7) No switches shall be installed in said track, the

points of which face toward said highway, within a distance of five hundred (500) feet northerly of its crossing with the State Highway.

(8) The grade of the track approaching said crossing shall not exceed one (1) per cent at any point between the initial switch of said track and the point of its crossing with the highway.

(9) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing.

(10) If said crossing shall not have been installed within one year from the date of this order, the authorization herein granted shall then lapse and become void, unless further time is granted by subsequent order.

(11) 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, the public convenience and necessity demand such action.

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

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.

Dated at San Francisco, California, this 19th day of May, 1926.

H. B. Brundage
C. L. Seaver
Frank D. Scott
Leon Whiteall

Commissioners.