

Decision No. 32108

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY)
OF FRESNO, a municipal corporation, for the)
construction and establishment of a crossing)
over the tracks and right of way of the)
Southern Pacific Railway Company.)

Application
No. 22661.

ORIGINAL

C. M. OZIAS, City Attorney, for Applicant

R. S. Myers, for Southern Pacific Company, Protestant

BY THE COMMISSION:

O P I N I O N

In this proceeding the City of Fresno requests authority to construct Monterey Street at grade across the main line tracks and yard tracks of Southern Pacific Company in the City of Fresno.

A public hearing was held in this matter before Examiner Hall in Fresno on June 2, 1939.

The main line of Southern Pacific runs through Fresno in a northwesterly and southeasterly direction. For a distance of about two miles from Divisadero Avenue on the northwest to Cherry Avenue on the southeast the main line yard tracks of the railroad pass through the industrial section of the city. The city streets in this area run parallel to and at right angles to the railroad. The public crossings in this area are as follows:

<u>Street</u>	<u>Crossing Number</u>	<u>Kind of Crossing</u>
Divisadero Street	B-204.5	Grade Crossing
El Dorado Street	B-204.6	" "
Tuolumne Street	B-205.2	" "
Merced Street	B-205.25	" "
Fresno Street	B-205.4-B	Grade Separation
Tulare Street	B-205.5	Grade Crossing
Kern Street	B-205.6	" "
Mono Street	B-205.8	" "
Ventura Avenue	B-205.9	" "
Cherry Avenue (South Broadway)	B-206.5	" "

Monterey Street, which is proposed to be opened at grade across the railroad, is located approximately midway between the Cherry Avenue crossing and the Ventura Avenue crossing. At the point of crossing there is in place eleven tracks, consisting of two main line tracks, one branch line track, and eight yard and industry tracks.

Applicant contends that this crossing is necessary, in addition to the existing crossings, to provide for better circulation of both pedestrian and vehicular traffic across the railroad. There is a rather large residential section west of the tracks, between Mono Street and Cherry Avenue. These people work largely in the packing plants located east of the tracks between Monterey Street and Cherry Avenue. It was shown that the adjacent crossings are often blocked by trains and switching movements, thus preventing free movement of traffic over the railroad. Furthermore, it is claimed that the Cherry Avenue crossing is very congested with both local and through vehicular traffic which results in an obstruction and hazard to those people living east of the railroad in crossing the tracks at that point to reach their place of employment.

Exhibit No. 1, filed at the hearing, shows that about 11 per cent of the city's population resides in the area west of the tracks and are tributary to the Mono Street crossing, the Ventura Avenue crossing, the proposed Monterey Street crossing, and the Cherry Avenue crossing. Monterey Street extends westerly through about the center of this area. Many residents from west of the railroad testified that the additional crossing is necessary for their use to reach their places of employment and the business district of the city, which is located east of the railroad.

The granting of this application was opposed by Southern Pacific Company on the grounds that: (1) an additional crossing was unnecessary; (2) the proposed crossing would traverse their yard; (3) the large amount of switching at that point would block the

crossing a large portion of the time; and (4) that before a satisfactory crossing could be constructed, certain track changes would of necessity have to be made.

The railroad company showed that during the fruit season several hundred switching movements are made to serve the industries in the immediate vicinity, and that the opening of the crossing to public use at this location would constitute a material hazard to both the railroad and the public. Furthermore, it is the railroad's belief that the existing crossings at Ventura Avenue and Cherry Avenue amply serve the territory.

The record shows that if Monterey Street is constructed at grade over the railroad it will be necessary to relocate certain switches to points outside the paved section.

It is estimated (Exhibit No. 5) that the cost of constructing the crossing would be as follows:

Relocate and extend tracks	\$2,860.
Change out rail at crossing (Labor only)	375.
Prepare tracks for paving	2,010.
Paving	<u>1,440.</u>
Total	<u>\$6,685.</u>

It was suggested that the crossing be protected by automatic flashlight signals (estimated to cost \$9,000, Exhibit No. 5). Because of the large amount of switching this method of protection would not be satisfactory as the signals would be actuated when switching movements were standing in the circuit adjacent to the crossing.

In order to properly protect this crossing it would be necessary to provide crossing flagmen for the full 24-hour period of each day at an annual cost of about \$2,950 per year.

The record shows that studies are being made by the City and the State for a grade separation, either at Cherry Avenue or in

the vicinity of Monterey Street, primarily for the purpose of facilitating the heavy through traffic which now uses the Cherry Avenue grade crossing. This separation project, when completed, might materially affect the present plan.

It appears to us that an expenditure of substantial sums for the construction, maintenance, and protection of a grade crossing at Monterey Street are not justified, particularly bearing in mind the hazard, traffic interference, and the cost. Furthermore, if the grade separation is made a reality, the expenditure necessary at this time for a grade crossing might be entirely wasted.

It is therefore concluded that public convenience and necessity do not warrant the expenditure of substantial sums for a crossing at grade at Monterey Street at this time; however, the Commission should retain jurisdiction in order that when this grade separation project is completed it could then again consider the need for a grade crossing in this general locality. The application should therefore be denied without prejudice.

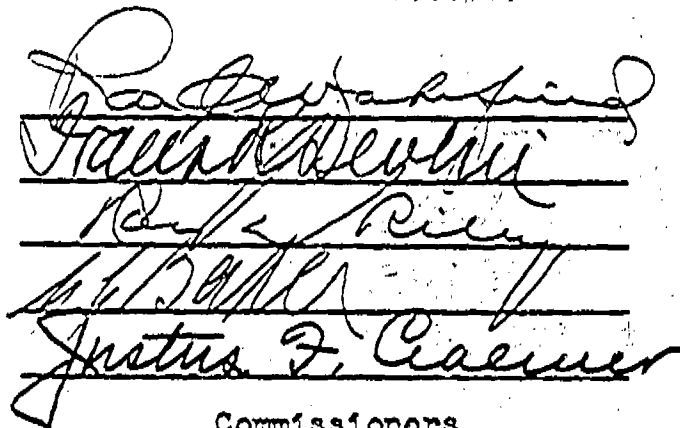
O R D E R

A public hearing having been held and the matter having been submitted and ready for decision,

IT IS HEREBY ORDERED that Application No. 22661 be denied without prejudice.

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

Dated at San Francisco, California, this 27th day of June, 1939.



Justus F. Coe
Commissioners