

Decision No. 35382

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of SOUTHERN)
 PACIFIC COMPANY for an order closing and)
 abolishing that certain county road grade) Application
 crossing over the tracks of applicant at) No. 24533
 "F" Street, immediately south of Turlock)
 in Stanislaus County, California.)

ORIGINAL

E. J. FOULDS, for applicant.

W. COBURN COOK, City Attorney, for City of Turlock and
 its Fire and Police Departments, City Planning
 Commission, County of Stanislaus, County Planning
 Commission, protestants.

FRANK B. DURKEE, for Department of Public Works,
 interested party.

BY THE COMMISSION:

O P I N I O N

In this application Southern Pacific Company requests an order from this Commission to abolish a crossing of a county road with its main line tracks a short distance south of the city limits of Turlock, Stanislaus County. Evidence relative to this application was received before Examiner Malquist at a public hearing held in Turlock on March 3, 1942, at which time the matter was submitted.

The crossing of which this application is concerned is that of "F" Street (Crossing No. B-126.7) which was constructed in 1927 under authority granted by order in Decision No. 18298 in Application No. 13627 replacing a crossing 630 feet to the north. Applicant contends that the "F" Street crossing is no longer necessary for the reason that an overhead grade separating structure was recently constructed (State Highway U.S. No. 99) and put into use approximately 1250 feet south of "F" Street; that highway traffic now using "F" Street can be diverted either to the overhead crossing or to the Marshall Street crossing in the City of Turlock, located approximately 2,000 feet north of "F" Street; and that "F" Street constitutes an unnecessary traffic hazard. The closing of this crossing was pro-

tested by the City of Turlock and the County of Stanislaus.

The City of Turlock is divided by the main line railroad tracks and right of way of the Southern Pacific Company, the area on each side of the tracks being about the same. Important business and industrial sections are likewise located on both sides of the tracks, while the police and fire stations are both located on the east side of the tracks. Within the city limits of Turlock are three crossings at grade over the railroad tracks, these being Olive, Main, and Marshall Streets. The distance from Olive Street, the most northerly of the three, to Marshall Street, the most southerly, is approximately 1300 feet, with Main Street crossing about half-way between the two. Most of the traffic moving from one side of the city to the other uses the above mentioned three crossings.

State Highway U.S. No. 99 is the main north and south highway through Turlock. This highway is adjacent to and parallels the railroad right of way on the east side of the tracks through the city. Another highway known as First Street parallels the railroad right of way on the west side of the tracks through the city and connects with the State highway south of the grade separation about three quarters of a mile south of the city limits. "F" Street crosses both of these arteries at right angles and extends southwesterly one-half mile to Lander Avenue and northeasterly one-quarter mile to Alpha Road. It was stated by city and county officials, however, that there is a proposal to extend this street beyond Alpha Road to a connection with Berkeley Road and East Avenue, important arteries leading to the north and east.

From traffic counts submitted by applicant and also by an engineer representing the Division of Highways, the present traffic using the "F" Street crossing appears to be about 500 vehicles a day, a considerable portion of which turns in or out of the State highway.

Applicant contends, as did also the state highway engineer, that this traffic could as well use the Marshall Street crossing 2000 feet to the north where protection by wigwag is provided. There is no evidence to show what proportion of this traffic has business which requires traveling as far as Marshall Street but this being nearer the business center of Turlock it is reasonable to assume that a considerable portion of it does. As for traffic moving directly from points contiguous to "F" Street on one side of the track to similar points on the other side, it is apparent that the detour to the Marshall Street crossing, or southerly along the highway to a point where proper turns can be effected to use the overhead crossing, would cause considerable inconvenience requiring nearly a mile of additional distance. The record does not reflect the amount of such traffic but according to a flow count made by the highway engineer, about 25 per cent of the traffic over the crossing travels to or from points west of First Street or east of the State highway.

There is considerable testimony in the record regarding the hazards and traffic congestion at the Marshall Street crossing. Packing houses and a cannery are located in immediate proximity of this crossing and during the fruit and melon season the streets in the vicinity are badly congested with trucks moving to and from these plants or waiting an opportunity to unload. View conditions at Marshall Street also appear to be somewhat obscured and testimony was to the effect that this crossing is more hazardous for trucks crossing the railroad tracks than at the "F" Street crossing. It also develops that the cannery, which is located on the easterly side of the tracks between the State highway and the railroad, has storage facilities located on the westerly side and during the canning season has occasion to move its trucks between these two points. To avoid left turns in and out of the State highway it has been the practice to make a circulatory movement using the Marshall Street crossing in

one direction and the "F" Street crossing in the other.

There is also testimony relating to the view conditions at the "F" Street crossing and while signs and buildings in the vicinity do, to a certain extent, interfere with the clear view of approaching trains, it would appear that this crossing has somewhat less hazard in this respect than the Marshall Street crossing. There have been two accidents at the "F" Street crossing, one of which was with an oil truck resulting in three fatalities. However, there have also been accidents at the Marshall Street crossing, and the Main Street crossing has a particularly bad accident record. The latter crossing would be used by a certain portion of the traffic now using "F" Street, in the event this crossing is closed.

A representative of the Division of Highways appeared at the hearing and presented evidence showing the hazard at the intersection of "F" Street with the State highway. This intersection is near the foot of the incline leading from the overhead crossing, is outside of the 25-mile zone which restricts traffic speed in the City of Turlock, and high speed traffic generally prevails. The closing of the crossing would naturally reduce the volume of intersecting traffic at this point and tend toward highway safety. The "F" Street crossing and intersection existed for years prior to the construction of the overhead, however, and possibly consideration should have been given to this hazard before and not after building the grade separation. In any event testimony of record is convincing that the opening of the overpass has increased rather than lessened the necessity for the "F" Street crossing, particularly during the period when the cannery is in operation.

After a review of the record in this proceeding we are of the opinion that the closing of the "F" Street crossing would result in material inconvenience to certain traffic now using it. While it is the policy of this Commission to eliminate unnecessary crossings,

particularly those in the vicinity of grade separations, we can not see in this case how any of the traffic now crossing at "F" Street can, without great inconvenience, use the grade separation. Practically all of this traffic would be diverted to more hazardous crossings and while there is merit in the desire of the Division of Highways to reduce the volume of traffic at the "F" Street intersection of the State highway, we are of the opinion that such traffic would simply be diverted to other and perhaps more congested intersections. On the present record we must deny the application.

O R D E R

Public hearing having been held in the above entitled application and the matter submitted

IT IS HEREBY ORDERED that Application No. 24533 is hereby denied.

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

Dated at San Francisco, California, this 19th day of May, 1942.

Justin J. Cooney
Ray & Rice

Richard Locke
Commissioners