

ORIGINAL

Decision No. 38593

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY OF RIVERBANK to construct a crossing of the Atchison, Topeka and Santa Fe Railway Company railroad track by Stanislaus Street in the City of Riverbank, California.) Application No. 26786

NATHAN B. McVAY, for Applicant
LEO E. SIEVERT, for The Atchison, Topeka and Santa Fe Railway Company, Protestant
LORENZO ZERRILLO, for Riverbank Canning Company, Protestant

BY THE COMMISSION:

O P I N I O N

In this application the City of Riverbank requests permission to construct Stanislaus Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company. The tracks involved are the main line of the railroad extending between Merced and Stockton, and four yard tracks, and run in a general north and south direction through the City of Riverbank. The corporate limits of Riverbank extend both to the east and to the west of the railroad. At the present time two crossings connect the communities on each side of the railroad. The most northerly crossing is at Atchison Street and crosses over the tracks at separated grades. (1) At the southerly end of the city Patterson Street crosses the railroad at grade. These two crossings are about four tenths of one mile apart.

A public hearing was held in this matter before Examiner Hall in Riverbank on December 14, 1945.

(1) Atchison Street is a part of the State highway running between Manteca and Oakdale.

It is the proposal of the city to construct Stanislaus Street at grade across the railroad, which is parallel to both Atchison Street and Patterson Street and located two blocks north of Patterson and three blocks south of Atchison. The city desires that this crossing be opened to provide an additional route between the territory both within and outside the city west of the railroad in order to get to the business district and school, both of which are located east of the railroad and about midway between Atchison Street and Stanislaus Street. It is their claim that the grade separation at Atchison Street is inadequate for both vehicular and pedestrian traffic. This structure has a width of 24 feet and provides for two lanes of vehicular traffic with no provision for pedestrians; furthermore, due to a cannery located between Atchison and Stanislaus Streets immediately west of the railroad, access can be had to the grade separation only by a somewhat circuitous route. Some of the traffic using Patterson Street is required to travel two blocks south, and, after crossing the railroad, travel two blocks north to reach the business area.

Applicant contends that by the opening of Stanislaus Street traffic could go direct from the westerly to the easterly portion of the city thus avoiding the narrow viaduct at Atchison Street and the grade crossing at Patterson Street, and that an additional crossing would be available for the use of the Fire Department. (2) At the present time whenever there is a fire west of the tracks the Fire Department routes its trucks over the overhead for the reason that the Patterson Street crossing is very often blocked by trains or switching movements. The Fire Chief testified that if Stanislaus

(2) The Fire Department is located at approximately the corner of Third Street and Topeka Street, two blocks north of Stanislaus Street, one block south of Atchison Street, and about 2½ blocks east of the railroad. The equipment of the Fire Department consists of two fire trucks.

Street crossing were opened, the Fire Department could go to this street to cross the railroad and, if found to be blocked, could see from that point if Patterson Street was blocked and, if not, it could proceed to the Patterson Street crossing; however, if both crossings were blocked, it could turn around and use the overhead on Atchison Street as is done at present.

Many persons appeared and testified that the new crossing was needed primarily for pedestrians, including both cannery workers and school children, thus obviating the necessity of going to Patterson Street or the overhead.

The Atchison, Topeka and Santa Fe Railway Company opposed the granting of this crossing on the ground that it was not necessary as the existing two crossings could amply take care of the traffic. It was the railroad's contention that if the crossing were opened, many industry switching movements would be involved at that location in addition to the main line passenger and freight train movements.

At the point of the proposed crossing five tracks of the railroad are involved, the most westerly of which is depressed about 18 inches below the level of the main line. In order to make a satisfactory crossing, this track should be raised and the platforms for the cannery which this track serves should also be raised to keep them at the car door level. It was estimated that the crossing, to be properly built, would cost about \$15,000. (3) In addition to raising

(3) Detail of Cost of Crossing: (Testimony of the engineer for the railroad)

Rearranging tracks	\$3,000
Paving across right of way	1,000
Heavier rail installed at crossing	500
Raising Cannery platforms	3,000
Automatic Signal	2,500
Street illumination	500
Value Santa Fe property involved	2,400
Engineering	200
Supervision	600
Contingencies	700

the most westerly track, two switches in the crossing area would have to be moved as well as certain readjustments of telephone and telegraph lines. When applicant was asked how it proposed to finance this work it advised that no cost estimates had been made and it was presumed the work could be financed through funds of the State or the Federal Government. It appeared from the record, however, that the city does not propose to allocate any funds for this purpose.

The operator of the Riverbank Cannery opposed the granting of the application. He agreed that improvements were necessary to facilitate vehicular and pedestrian traffic across the railroad but felt the plan proposed was improper and hazardous. He suggested that a very definite study of the situation be made before any funds were expended.

The proposed crossing is only two blocks north of the Patterson Street grade crossing and three blocks south of the grade separation at Atchison Street, and involves tracks over which a considerable amount of industrial switching is performed. A review of the record convinces us that public convenience and necessity does not require the construction and opening to traffic of the crossing as proposed due to the closeness of existing crossings and the resultant additional accident hazard. We are of the opinion, however, that serious consideration should be given to improvement of the grade separation on Atchison Street by providing it with a pedestrian walk or by widening the structure itself. ⁽⁴⁾ We believe that the crossing proposed would by no means properly solve Riverbank's problem and are of the opinion that conditions can be improved at Riverbank; also that the City and the railroad should collaborate in the development of a plan which would improve the traffic problem of Riverbank and not increase the accident hazard.

(4) The overhead crossing at Atchison Street was built by and is under the jurisdiction of the California Department of Public Works, Division of Highways.

It is therefore our conclusion that the application should be denied and it will be so ordered.

O R D E R

A public hearing having been held in the above entitled application and the matter being under submission;

IT IS HEREBY ORDERED that the application be and it is hereby denied.

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

Dated at San Francisco, California, this 15th day of January, 1946.

Edward C. Anderson
Justice F. C. Casper
Frank D. Davis
Joseph T. Sullivan
Harold P. Hulse

Commissioners