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ORIGINALDecision No. 40301

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 People of the State of California, on)
 relation of the Department of Public Works,)
 for an order authorizing construction of a)
 crossing at separated grades of the State)
 Highway (Route 4) and the tracks of the) Application
 Southern Pacific Railroad, in the vicinity) No. 28285
 of Monterey Street, and the abolition of the)
 existing crossing at grade of Cherry Avenue)
 and said railroad, all in the City of Fresno,)
 County of Fresno, State of California.)

Frank B. Durkee, for Department of Public Works;
 R. W. Myers, for Southern Pacific Company;
 C. M. Ozias, City Attorney, Roy L. Davis and
 L. Deming Tilton, for the City of Fresno; G. Levin
 Aynesworth, for South Broadway Improvement Assn.;
 J. J. Nagel, for Lutheran Cross Church.

O P I N I O N

In this proceeding authority is sought to construct a grade separation between State Highway Route 4 and Southern Pacific Company's tracks in the vicinity of Monterey Street, City of Fresno. It is proposed to carry the highway over the tracks by constructing a steel and concrete viaduct which will provide for two 36-foot separated driveways to accommodate a total of six lanes of traffic. In addition, provision is made for a 4-foot sidewalk on the northerly side and a 3-foot curbing on the southerly side of the roadways.

The application further requests that the Commission's order provide that, upon completion of the proposed Monterey Street overpass, the existing grade crossing at Cherry Avenue (No. B-206.5), situated about 1600 feet to the south, be closed to public traffic. It is also requested that the Commission rescind its Decision No. 33764, issued December 21, 1940, in Application No. 23849,

(1)
authorizing a grade separation at Cherry Avenue.

A public hearing was held in this matter at Fresno, May 1, 1947, and it is now ready for decision.

Southern Pacific Company's San Joaquin Valley Line passes through the Fresno area in the northwesterly and southeasterly direction. State Highway Route 4, which is also U. S. Highway No.99, closely parallels the railroad in the Fresno area. To the north and south of the city, this highway lies to the west of the railroad. Through the business section of the city it is located to the east of the railroad. As this highway enters the city to the north, it crosses beneath the main line tracks of Southern Pacific Company at Belmont Avenue. In the southern section of the city, it is now routed along Cherry Avenue, crossing the main line tracks and two branch line tracks of Southern Pacific Company. It was pointed out by a witness for the State Division of Highways that with the routing of this highway over the proposed Monterey Street overpass there will be no grade crossings remaining over a main line railroad along this entire highway route between Sacramento and Los Angeles.

The railroad and highway separation at Monterey Street involves major changes in connecting city streets. The southwest approach street plan to the viaduct is so designed as to form a part of the contemplated major highway by-pass to accommodate through traffic to the west of the railroad in the Fresno area. The estimated cost of the entire separation project, consisting of the viaduct over the railroad, the approach highways which include a

(1) The so-called Cherry Avenue grade crossing with Southern Pacific Company's tracks is located at the intersection of Cherry Avenue and California Avenue. It is partly in the city of Fresno and partly in the unincorporated portion of the county. The city limit line runs along the roadway of California Avenue to the east of the southwesterly right of way line of the railroad and along the southwesterly line of the right of way to the south of California Avenue.

number of separations between intersecting highways, together with rights of way and property damage, is approximately \$1,940,000. The Public Roads Administrator, Federal Works Agency, has allotted \$1,299,000 toward financing the structural cost of the project. Such allotment, however, is contingent upon the closing of the Cherry Avenue grade crossing. The California Highway Commission has provided in its budget the sum of \$250,000 to aid in financing the project, and has entered into an agreement with the City of Fresno for the allotment of approximately \$390,000 from the City's portion of gas tax collected by the state, 1945-1947 biennium.

The plan of separation provides for standard clearances as prescribed by this Commission between the railroad tracks and adjacent structures. The overhead clearance will be 23' 3" above the top of rail, which is in excess of that prescribed in the Commission's General Order No. 26-C by 1' 3".

No opposition developed to the proposed plan of constructing the Monterey separation. However, the South Broadway Improvement Association opposed closing the Cherry Avenue grade crossing. This organization takes the position that at least a portion of the vehicular traffic that now normally uses the Cherry Avenue crossing might use the South Van Ness Avenue grade crossing rather than follow the main highway route over the new Monterey Street overpass. It was their view that a greater use of the South Van Ness grade crossing would create an even greater hazard because of the steep grades of approach and impairment of view by trees at that location.

Evidence was presented by applicant to show the volume of traffic at the Cherry Avenue crossing and the hazards there existing. The convergence of two other streets at that point serves to increase the possibility of accidents arising from train operations. On the main line right of way of Southern Pacific Company at this

location there are two main line rail tracks and one passing track. The Porterville branch line track practically parallels the main line tracks at this point. A traffic count taken over a 24-hour period on April 17, 1947, shows that over 21,000 vehicles entered the intersection of Cherry-California-Railroad Avenues, 93% of which crossed the Southern Pacific main line tracks. A check of train movements over the crossing, taken on a typical day in July, 1946, revealed a total of 74 train movements during the 24-hour period, consisting of 55 main line and 19 switch operations. During the period from January 1, 1926 to March 31, 1947, there were 57 grade crossing accidents occurring at this crossing, resulting in the death of 4 persons and injury to 28 others.

Both the City of Fresno and the County of Fresno have declared their intention to permanently close the Cherry Avenue crossing upon the completion of the Monterey grade separation.

Representatives of the State Division of Highways testified that the great public benefits to be derived from the construction of the Monterey Street separation could not be realized if the existing grade crossing at Cherry Avenue were not eliminated. It was pointed out also that the closing of the Cherry Avenue crossing is an essential part of a broader program of street and highway improvements within the southern part of the city, and that the proposed approach highways to the Monterey Street separation are so designed as to provide for such future improvements. The evidence clearly indicates that the slight inconvenience to some traffic that may result from the closing of the Cherry Avenue crossing will be greatly outweighed by the reduction of traffic hazards and the general public convenience served by the proposed separated grade structure.

The resolutions adopted by the City of Fresno and the County of Fresno, respectively, declaring their intention to

permanently close the so-called Cherry Avenue crossing at grade over the tracks of Southern Pacific Company; upon the opening of the Monterey overpass, delineate the trackage areas to be closed to traffic by reference to a map introduced in evidence as Exhibit No. 9. This map indicates that the area to be closed includes a strip 46 feet in width now occupied by the two existing main line tracks and one passing track at that location. It was pointed out that if additional tracks should be constructed, it might be necessary for Southern Pacific Company to utilize for train operation purposes most of its right of way 100 feet in width in that area. Additional tracks constructed on the easterly side of the right of way may effectively prohibit the flow of vehicular traffic between Cherry Avenue and California Avenue unless a connecting highway is constructed on the easterly side of the railroad. This could be accomplished through the use of the company's private right of way of its Porterville Branch for highway purposes.

In the event that the Cherry Avenue grade crossing is closed to the full extent of Southern Pacific Company's 100 foot right of way in that area, the company expressed its willingness to grant an easement for highway purposes over its Porterville branch line right of way to afford a connection between Cherry Avenue and California Avenue, easterly of the railroad. It appears to the Commission that more of the main line right of way than that presently to be closed to vehicular traffic as declared by the resolutions of the City and County may be required in the future for essential railroad purposes. Therefore, the extent of the area to be closed to vehicular traffic at the Cherry Avenue crossing should remain subject to the continuing jurisdiction of the Commission, and subject also to the condition that, should Southern Pacific Company install additional rail facilities along the easterly side of its existing tracks, said company shall agree to grant an easement for highway purposes over that portion of its Porterville

branch line right of way to afford a connection between Cherry Avenue and California Avenue.

Based upon the evidence presented in this proceeding, the Commission finds that public convenience and necessity require the granting of the application as sought, namely; authorizing the construction of the proposed Monterey Street grade separation; the closing of the Cherry Avenue grade crossing when the Monterey separation is completed; and rescinding the authority granted by Decision No. 33764, issued December 21, 1940, in Application No. 23849.

O R D E R

A public hearing having been held in the above-entitled proceeding, the matter submitted, and basing its order upon the foregoing opinion and findings, IT IS ORDERED:

I - The Department of Public Works of the State of California is hereby authorized to construct a grade separation over Southern Pacific Company's tracks at Monterey Street, in the City of Fresno, at the location shown in Exhibit "A" attached to the application and substantially in accordance with the plans set forth in Exhibits 6 and 8 presented in this proceeding, such authorization being subject to the conditions set forth in the next succeeding paragraph (II) of this order, and to the provisions set forth in paragraphs III and IV hereof.

II - Upon completion of the Monterey Street separation as above authorized, and its opening to public traffic, the crossing at grade designated as crossing No. B-206.5 of Cherry Avenue, California Avenue and Railroad Avenue, over the tracks upon Southern Pacific Company's main line right of way, shall immediately be abolished by the physical closing thereof to public traffic. The areas so closed to traffic shall be those designated in the

resolutions adopted by the City of Fresno and the County of Fresno and as delineated on the map filed in this proceeding as Exhibit No. 9, but the Commission shall retain jurisdiction in this proceeding to direct the closing to vehicular traffic of a larger area within the right of way of Southern Pacific Company than that delineated on Exhibit No. 9, provided that Southern Pacific Company shall grant an easement for highway purposes over that portion of its Porterville branch line right of way on the easterly side of the main line to effect a connection between Cherry Avenue and California Avenue.

III - The authority heretofore granted by the Commission in its Decision No. 33764, dated December 21, 1940, in Application No. 23849, is hereby rescinded, and said decision shall be of no further force and effect and said application No. 23849 is hereby dismissed.

IV - In the construction and operation of the grade separation over the tracks of the Southern Pacific Company at Monterey Street, City of Fresno, as herein authorized, the Department of Public Works of the State of California and Southern Pacific Company shall observe the following provisions:

1. The above crossing shall be identified as Crossing B-206.2-A.
2. The entire expense of constructing and thereafter maintaining the separation in good and first class condition for the safe and convenient use of the public shall be borne by applicant.
3. Before commencing construction, applicant shall file with this Commission a set of plans of said separation which shall have the approval of Southern Pacific Company.
4. Said separation shall be constructed with clearances conforming with the provisions of our General Order No. 26-C.

5. Applicant shall within thirty days thereafter notify this Commission, in writing, of the completion of said separation and of its compliance with the conditions hereof.
6. The authorization herein granted shall lapse and become void if not exercised within one year from the date hereof, unless further time is granted by subsequent order.
7. The actual work of constructing and maintaining the necessary barricades to physically close the Cherry Avenue grade crossing No. B-206.5 upon the opening of the Monterey separation, as provided for in paragraph II of this order shall be performed by Southern Pacific Company.

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

Dated at San Francisco, California, this 20th day of May, 1947.

Harold P. Hule
James J. Quinn
Dean S. Powell
A. J. Johnson
Kenneth C. Potter
COMMISSIONERS