

ORIGINAL

Decision No. 40342

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|   |   |             |
|---|---|-------------|
| In the Matter of the application of THE ATCHISON,   | ) |             |
| TOPEKA AND SANTA FE RAILWAY COMPANY, a corporation, | ) |             |
| for abolition of the grade crossing of "B" Street   | ) | Application |
| over applicant's Mormon Yard tracks in the City of  | ) | No. 28464   |
| Stockton and for authority to construct a grade     | ) |             |
| crossing over its tracks east of its Mormon Yard.   | ) |             |

J. H. CUMMINGS and H. AHERTON, for Applicant; BILL L. DOZIER, City Attorney, for the City of Stockton; FRED M. BOLLINGER, for Louise Zignego, protestant; R. J. JEFFRY, in behalf of G. ZAPPETTINI, et al, protestant; HOWARD G. BISSELL, Planning Consultant, for County of San Joaquin.

O P I N I O N

By this application The Atchison, Topeka and Santa Fe Railway Company requests authority to: (1) Close the crossing at grade of "B" Street over its main line and yard tracks in the City of Stockton (Crossing No. 2-1119.8); and (2) to construct and open to vehicular traffic Clay Street at grade across its main line in unincorporated territory in San Joaquin County.

A public hearing was held in this matter before Examiner Hall at Stockton, on May 29, 1947, at which time the matter was submitted.

In the area involved the tracks of applicant run in a general east and west direction and cross "B" Street (a north and south street) at right angles. The next crossing to the west is the grade separation of Wilson Way (U.S. 99), a distance of about 0.4 miles. The next crossing to the east is Farmington Road, in the County of San Joaquin, a distance of about 2 miles.

The "B" Street crossing is located at about the center of the main classification yard of applicant and crosses fourteen tracks. The evidence shows that for at least the last five years the crossing has been blocked for a large percentage of the time by main line and switching movements. When open, however, it is very hazardous for vehicular travel. At this yard nearly all of the freight trains are broken up and classified. Interchanges with five other railroads

entering Stockton increase the amount of switching at this location. Applicant now finds it necessary to immediately enlarge its icing facilities which will occupy the area now used for the crossing of "B" Street. (1)

The area served by the crossing is located south of the railroad and north of Mormon Slough, which runs generally parallel to the railroad and about 1400 feet south of the railroad. A large portion of this area is owned by applicant and is now being farmed. The remainder is largely farming land and occupied by very few dwellings.

No traffic counts of vehicles using the crossing were available; however, the record indicates that even if the crossing were not blocked by switching movements, traffic over the crossing would be exceedingly light.

The proposed Clay Street crossing is located 0.7 of a mile east of the "B" Street crossing in the vicinity of the intersection of Clay Street and Sullivan Street, immediately north of the tracks. In so far as the present occupants of the territory are concerned, the new crossing would be of little use to them in going to Stockton as the Wilson Way route is shorter and involves no crossing at grade of the railroad.

The need for the crossing, as expressed by the City and County Planning Engineer, is to take care of the potential industrial development between the railroad and Mormon Slough. At the present time there is no plan for such a development in the territory involved.

A number of people residing along Sullivan Street appeared and protested the opening of Clay Street on the grounds that any traffic using the crossing would increase the traffic volume on Sullivan Street. They showed that Sullivan Street is narrow (about 30 feet between curbs), and any excess traffic would develop additional unnecessary hazards.

---

(1) Due to the urgent need for these new facilities, all parties to the proceeding stipulated that the Commission's order should become effective immediately.

The Division of Highways of the State of California is authorized to construct a new State highway connecting Charter Way (Mariposa Street) with a new alignment of U.S. 99 east of Stockton. This work is proposed to be started and completed during the second half of 1947. This connecting State highway will cross applicant's tracks at separated grades at a point about 500 feet east of the proposed Clay Street crossing. (2) Although this is to be a limited access highway, it can reasonably serve the traffic which would likely use the proposed grade crossing.

A review of the entire record in this proceeding leads us to the conclusion that the crossing at "B" Street is of little value for the movement of vehicular traffic over the railroad. Its closing will eliminate an extremely hazardous crossing and allow applicant to enlarge its icing facilities at that location, a much needed facility for the icing of refrigerator cars in the handling of perishables.

The proposed grade crossing at the east throat of applicant's yard at Clay Street is in no way a substitute for the "B" Street crossing and would create a hazard at the crossing and along Sullivan Street. Its opening would primarily be for future industrial development. We conclude that the time for the consideration of a crossing at this location will be when it is known that the area involved will actually be developed.

It is Hereby Found as a Fact that public convenience and necessity require: (1) the closing of the "B" Street crossing; and (2) the denial of a new grade crossing at Clay Street, and it will be so ordered.

O R D E R

A public hearing having been held and the matter being under submission, IT IS HEREBY ORDERED:

- 
- (2) A map, Exhibit No. 2, in this proceeding shows the program of the Division of Highways in the vicinity involved.

I. That The Atchison, Topeka and Santa Fe Railway Company and the City of Stockton are hereby authorized to close and physically barricade the grade crossing of "B" Street (Crossing No. 2-1119.8) in the City of Stockton, San Joaquin County.

II. That authority to construct a crossing at grade at Clay Street in the County of San Joaquin is hereby denied.

The authority herein granted shall become effective on the date hereof

Dated at San Francisco, California, this 3<sup>rd</sup>

day of June, 1947.

Harold P. Kuls

Justin G. Caswell

James H. Russell

R. J. Morrison

Samuel D. Fetter

Commissioners