

ORIGINAL

Decision No. 42080

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the CITY)	
OF MODESTO, a Municipal Corporation, for an)	
order authorizing the construction of a pub-)	Application No. 29316
lic road, highway, or street across railroad)	
tracks of the Southern Pacific Railroad Company.))	

F. W. HALEY, City Attorney, and WILLIAM S. TANNER, City Engineer, for the City of Modesto, Applicant.

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

O P I N I O N

The City of Modesto in the above-numbered application requests authority to open "D" Street at grade across the tracks of Southern Pacific Company in said city.

A public hearing was held in this matter in Modesto on September 8, 1948, at which time the matter was submitted.

The main Valley line of Southern Pacific Company runs in a general north-west and southeast direction through the city of Modesto. The street system in the vicinity of the railroad is constructed parallel to and at right angles to the railroad. For the purpose of this discussion we will consider the railroad running in a north and south direction. "D" Street, which it is proposed to open across the railroad, is near the southerly limits of the city. The lettered streets of the city run alphabetically from the south, and the numbered streets run numerically, beginning in the west. One of the main north and south streets is 9th Street, located east of and adjacent to the railroad right of way. The main east and west street is "I" Street, at right angles to the railroad right of way and approximately in the center of the city.

At the present time the following streets are open at grade across the tracks of the railroad.

<u>Crossing No.</u>	<u>Name of Street</u>	<u>Protection</u>
B-112.3	Arch Street	2 No. 3 wigwag signals
B-112.7	"L" Street	2 No. 3 wigwag signals
B-112.8	"K" Street	2 No. 3 wigwag signals
B-113.0	"I" Street	2 No. 3 wigwag signals
B-113.1	"H" Street	1 No. 3 wigwag signal
B-113.2	"G" Street	2 No. 3 wigwag signals
- - -	"D" Street (Proposed Crossing)	
B-113.6	"B" Street	2 No. 3 wigwag signals
B-114.0-B	River Road	Undergrade Crossing

At the point of proposed crossing, seven tracks will be involved, consisting of one main line track and six spurs and sidings. Immediately west of the tracks is a long fruit-loading shed, about 110 feet of which would have to be removed to accommodate the street. The entire street system and location of railroad tracks is shown on Exhibit No. 8.

Applicant contends that the existing crossings are often blocked by long railroad trains, and vehicles must wait for considerable lengths of time for the crossings to clear. Due to this blocking of crossings, applicant sets forth the following reasons why "D" Street should be opened.

1. To have an additional opening for traffic when any or all of the existing crossings are blocked by trains.
2. To facilitate the movement of fire and police departments' equipment and ambulances.
3. To facilitate the movement of through traffic east and west across the San Joaquin Valley from Empire on the east to points on the west.
4. To relieve congestion of traffic between Modesto and the Chows Landing district to the west of the railroad and the business district of Modesto.

Southern Pacific Company opposes the granting of the application, contending that there are sufficient crossings already in Modesto to take care of the traffic between both sides of the city, and that the crossing, as proposed, would be hazardous and would interfere materially with their switching movements. Testimony was produced to show the amount of rail traffic over the proposed crossing,

all of which is set forth in the following table.

TRAIN MOVEMENTS

		<u>EAST</u>	<u>WEST</u>	<u>TOTAL</u>
Sept. 3, 1948	Passenger	4	3	7
	Freight	<u>9</u>	<u>12</u>	<u>21</u>
	Total	13	15	28
Sept. 4, 1948	Passenger	3	4	7
	Freight	<u>10</u>	<u>13</u>	<u>23</u>
	Total	13	17	30

SWITCHING MOVEMENTS

Sept. 3, 1948	7:00 p.m. to 7:00 a.m.	29
Sept. 4, 1948	8:00 a.m. to 8:00 p.m.	18

It was the opinion of the parties that the crossing, if opened, should be provided with automatic protection. Southern Pacific Company presented a plan and cost estimate of automatic protection which would eliminate unnecessary operation of signal devices. This signal system would consist of four No. 8 flashing light signals (G. O. No. 75-B), with time element and directional circuits which would provide for the stopping of operation of the signal when a train approaches and stops but does not proceed over the crossing. It was estimated that the total cost of constructing the crossing over the tracks and providing the automatic protection would be in excess of \$39,000.

Southern Pacific Company produced testimony to show that it is possible for the cross-valley traffic from Empire on the east to points in the western part of the valley to by-pass along the southerly side of the city and cross under the tracks of Southern Pacific Company in the vicinity of Tuolumne River. Before this route could become accessible, however, the streets through the city would have to be materially improved.

Southern Pacific Company also showed that, with few exceptions, when a train stops at Modesto some of the existing crossings are open. In a southbound direction the engines of all passenger trains stop just clear of "I" Street, and in a northbound direction the engines stop just clear of "K" Street, thus leaving certain crossings open; furthermore, most of their long freight trains do not stop at Modesto unless it is necessary to get orders or take water. In the event trains are held for a considerable time they cut the crossings so that vehicles might pass.

The record in this proceeding shows that Modesto is now provided with eight crossings over tracks of Southern Pacific Company, seven of which have automatic signal protection. The eighth crossing is at separated grades. It would appear that the relief gained by the opening of "D" Street would be minor and in addition would result in a more hazardous crossing than any of the existing ones. The benefits that might be gained by opening "D" Street would by no means be commensurate with the cost of approximately \$39,000.

There appears to be some merit to the suggestion of a detour route under the tracks of Southern Pacific Company at the south end of the city which could be developed for cross-valley traffic to avoid the business section of the city.

After giving this matter due consideration we conclude that public convenience, necessity, and hazard do not justify the opening of "D" Street across the tracks of Southern Pacific Company; therefore the application will be denied.

O R D E R

A public hearing having been held in the above-numbered application and the matter having been submitted;

IT IS HEREBY ORDERED that Application No. 29316 is hereby denied.

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

hereof.

Dated at San Francisco, California, this 28th
day of September, 1948.

R. F. Zimmerman
Justice F. O'Brien
Ernest Powell
Harold P. Hale
Lawrence J. Trotter
Commissioners