

Decision No. 42942

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the Board of Supervisors of the)
County of Stanislaus, State of)
California, for a crossing over the) Application No. 30137
right of way of The Atchison, Topeka)
& Santa Fe Railway Company, in)
Section 30, T. 2 S., R. 10 E.,)
M.D.B. & M.)

GEORGE SWATZEL and BERT M. CARNER, JR., for applicant.
WILLIAM F. BROOKS, for The Atchison, Topeka & Santa
Fe Railway Company, protestant.

O P I N I O N

In this application the Board of Supervisors of Stanislaus County requests authority to construct a crossing at grade of Eleanor Avenue with the Oakdale Branch of The Atchison, Topeka & Santa Fe Railway Company in the vicinity of Riverbank in that county. A public hearing was held at Modesto on May 13, 1949, before Examiner Cannon and the matter was submitted.

The Oakdale branch of The Atchison, Topeka & Santa Fe Railway Company extends in an easterly direction from the main line at Riverbank, to Oakdale, a distance of approximately 5 miles. In the vicinity of the proposed crossing, this track is located parallel and adjacent to Patterson Avenue, an east and west road. Eleanor Avenue is a north and south road about 2 miles east of the main line extending from Patterson Avenue, southerly, some two and one-half miles, and serving an agricultural area. Eleanor Avenue also extends northerly from the northerly right of way line of the railroad, approximately one mile, to a connection with the

State Highway No. 120. It is not open, however, across the railroad right of way, and applicant asks authority for such opening.

In the vicinity of the proposed crossing the area has been subdivided into small acreage plots and, in general, open traveled streets or roads are located approximately a quarter of a mile apart. Several of the north and south streets cross the railroad, the nearest to Eleanor Avenue being Snedigar Avenue, a quarter of a mile to the west, and Langworth Road, three quarters of a mile to the east. Santa Fe Avenue, an east and west road a quarter of a mile north of Patterson Avenue, extends from Riverbank to Richardson Avenue, one-half mile east of Eleanor Avenue. Santa Fe Avenue is an extension of the main retail business street of Riverbank.

At the hearing, applicant urged the opening of the Eleanor Avenue crossing, alleging that certain traffic is inconvenienced and forced to detour to adjacent crossings. Particular stress was laid on milk pick-up trucks with routes in this district.

A map of the territory was introduced as Exhibit No. 1, showing open traveled roads in the area and also the volume of traffic using certain of these roads. These figures indicate that during the full 24 hours of the day checked, 199 vehicles used Eleanor Avenue south of Patterson and 17 traveled on this Avenue northward from Santa Fe Avenue. The volume of traffic using the Snedigar Avenue crossing was 130 cars, and 141 vehicles crossed the tracks at Claus Road, one-half mile west of Snedigar Avenue. The amount of traffic using the Langworth crossing is not shown but the count does indicate that only 78 cars used this road south of Patterson Avenue. The total traffic having occasion

to cross the railroad in the two-mile section between Claus Road and Langworth Avenue is not over 400 cars daily.

The Atchison, Topeka & Santa Fe Railway Company opposes the opening of the new crossing at Eleanor Avenue, pointing out that there are now four crossings with this branch line between its connection with the main line in Riverbank and Langworth Road, less than 3 miles to the east. While traffic on this branch line track is not heavy, each additional crossing does add to the potential hazard and protestant urges that the application be denied.

We are of the opinion that there are now sufficient crossings with the railroad track in this area to adequately take care of the present and expected traffic. It may be that a small portion of the Eleanor Avenue traffic is forced to detour to the adjacent crossing at Snedigar Avenue for a limited, local use only. The volume cannot be very great, however, since the total number of vehicles using the latter crossing, including those so detoured, was only 130 during a 24-hour period. Residents on Eleanor Avenue to the south of the crossing are not inconvenienced in traveling to and from either Riverbank or Oakdale, the nearest shopping centers, and those to the north of the railroad can also travel to and from these points without crossing the railroad track at all. In fact, they would have to go out of their way to so utilize the crossing.

A crossing at Eleanor Avenue, in lieu of the existing crossing at Snedigar Avenue, would space the crossings more evenly and probably serve the community more conveniently, but such relocation is a local problem, to be solved by local authorities.

There is certainly no public necessity for creating an additional crossing. The application will be denied.

O R D E R

The Board of Supervisors of Stanislaus County having filed the above entitled application, a public hearing having been held thereon, the matter submitted and ready for decision,

IT IS HEREBY ORDERED that said application is denied.

The effective date of this order shall be 20 days after the date hereof.

Dated at Los Angeles, California, this 1st
day of June, 1949.

A. F. Ingram

Harry Howell

Harold Kula

Kenneth Potter
COMMISSIONERS