

ORIGINAL

Decision No. 42065

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
County of Fresno, State of California,)
for permission to construct and maintain)
a public highway at grade across the)
right of way and track of the Southern) Application No. 29952
Pacific Railroad, at its intersection)
with Kamm Avenue between Stroud Avenue)
and Bethel Avenue, in Fresno County,)
California.)

Robert M. Wash, Deputy District Attorney, Fresno, for applicant.
L. Klohs, County Road Commissioner, Fresno, for applicant.
R. S. Myers, Southern Pacific Company, interested party.
C. F. Waite, Assistant District Engineer, Division of Highways,
District 6, Fresno, interested party.

O P I N I O N

In this application the County of Fresno requests authority to construct a public highway, known as Kamm Avenue, at grade across the main line track of Southern Pacific Company, at a point about 1½ miles northwest of Kingsburg. A public hearing was held at Fresno on May 12, 1949, before Examiner Gannon, at which the matter was submitted and is now ready for decision.

Kamm Avenue is an east and west road which, in the vicinity of the present crossing, lies along the line between Sections 15 and 22 of T.16S, R22E., M.D.B. & M. It extends for several miles both east and west of the railroad but is not open across the track as an established public crossing. Use is made, however, of an existing private crossing located in Section 22, about 400 feet south of the true line of Kamm Avenue. A connection by a dedicated county road has been made to this crossing and used for many years, and the county now desires to have the private crossing made public.

The main valley line track of Southern Pacific Company is located in a general northwesterly and southeasterly direction at this point, extending diagonally across the township. State Route No. 2 U. S. 99, a 4-lane divided highway, is parallel to and adjacent to the westerly side of the railroad right of way. Bethel Avenue, a north and south county road, lies along the west line of Sections 15 and 22 and extends for a considerable distance both north and south of the railroad and the State Highway. Bethel Avenue does, however, cross the track (Crossing No. B-223.7) at a point approximately 1,000 feet northwest of the proposed crossing. The nearest crossing to the southeast is at Stroud Avenue, an east and west county road one-half mile south of Kamm Avenue. This latter crossing was authorized by the Commission less than a year ago in Decision No. 42017, on Application No. 29600. A mile to the east of Bethel Avenue is Academy Avenue, a north and south road leading directly to Kingsburg.

This district is agricultural in nature and much of the area is in vineyards. There are eleven residences located along Kamm Avenue between the railroad and Academy Avenue. The occupants of these homes have two routes into Kingsburg, one being that easterly along Kamm Avenue and southerly along Academy Road directly into the town. The other route is westerly by way of the private crossing to the State Highway, thence southeasterly into Kingsburg. Of the two routes, the former is more direct for practically all of this traffic, with the exception of that originating near the railroad. Traffic to the north and west, however, does appear to use the existing crossing. This is particularly true with respect to traveling from the Kamm Avenue area east of the railroad to a raisin receiving station located east of the

railroad in the vicinity of the Bethel Avenue crossing.

View conditions at the crossing, which it is proposed to convert from private to public use, are obstructed to the south by a small knoll some 200 feet distant through which the railroad passes in a cut. In the other direction the view is fairly open. Opposite the crossing the surface of the northbound roadway of the state highway is about five feet below the level of the railroad and a somewhat steep westerly approach grade results. The present gradient varies from eight to ten per cent. To reduce this grade would involve considerable cost. The easterly approach grade is about six per cent. The existing crossing and approaches are narrow and inadequate for a two-lane highway.

The crossing also has the inherent hazard common to all grade crossings where a trunk highway and a railroad are side by side. All of the traffic over the grade crossing involved herein will be required to turn into or out from, the adjacent high-speed highway and the highway traffic often detracts a driver's attention from the rail hazard. Rail traffic consists of from 20 to 36 movements daily, depending on the season. Eight of these movements are passenger trains. Speed restrictions vary from fifty miles per hour for freights to seventy-five miles per hour for stream-line trains which generally move at maximum speed in this territory.

The proposal to establish a public crossing at this location was before the Commission in 1926, in Application No. 12660, and in Decision No. 17035 that application was denied.

An engineer from the Commission's staff testified in the matter, presenting photographs illustrating present-day conditions, and stated that, in his opinion, the previous finding is proper.

It is pointed out that certain highway traffic, to and from the raisin receiving station referred to, must cross the railroad twice and also incur the hazards of entering and crossing the State Highway.

In view of the record in this proceeding it is the opinion of the Commission, and we so find, that the application should be denied.

O R D E R

The above-entitled application having been filed, a public hearing having been held, and the Commission being fully advised,

IT IS ORDERED that the application of the County of Fresno for authority to construct a public highway, known as Kamm Avenue, across Southern Pacific Company's track, as applied for herein, is denied.

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

Dated at San Francisco, California, this 28th day of June, 1949.

R. E. Anderson
Justice F. Coe
W. H. L. L. L.
Harold F. Kille
Frederick L. Lott
COMMISSIONERS