

ORIGINAL

Decision No. 43704

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the City of Atwater, a Municipal)
Corporation, for an order authorizing)
the crossing of the Southern Pacific)
track where said track intersects the)
extension of Broadway in the City of)
Atwater.)

Application No. 30124

C. Ray Robinson, by Willard B. Treadwell, for
applicant.
R. S. Myers, for Southern Pacific Company, protestant.

O P I N I O N

The City of Atwater, by this application, requests authority to extend Broadway across an industrial spur track installation of the Southern Pacific Company serving three fruit and vegetable packing sheds located on railroad land north of U. S. Highway 99 and east of the business area of the city. The application was submitted at a public hearing held at Atwater on December 15, 1949, before Examiner Gregory, and was protested by the railroad.

Broadway, an improved city street 60 feet in width, is parallel to and about 350 feet north of U. S. Highway 99, and runs in an east-west direction from 5th Street to the west line of the railroad land. The street then extends from the east line of the railroad property a distance of about 1300 feet through Castle Park residential subdivision, where it terminates in an open field.

(1) The spur track installation was originally authorized in 1926 (S. P. Co., 28 CRC 168).

Shaffer Road, which crosses the highway in a north-south direction, lies about 800 feet beyond the eastern end of Broadway. East of the railroad property, Cedar, Drakeley and Elm Avenues parallel Broadway in that order to the north. West of the property, toward the business section of Atwater, Cedar and Elm Avenues alone lie north of Broadway. These avenues, like Broadway, do not cross the railroad's land; however, a private, unimproved roadway links the two segments of Elm Avenue across the Southern Pacific land but is blockaded on each side of the drill track by posts. In the vicinity here under consideration the city limits of Atwater bisect Cedar Avenue so that the area to the north lies in the County of Merced. The distance between the center lines of Broadway and Elm Avenue is approximately 825 feet. The length of the proposed street crossing is about 350 feet.

The layout in the area of the crossing consists of the main drill track, which crosses the highway, enters the railroad property on a curve in the southeast corner and proceeds in a straight line northerly for approximately 1400 feet beyond the center of the projected street; four industry spur tracks, the switch points for which are located north of the proposed street and face away from the highway; three packing sheds, two of which are west and one east of the drill track, each served by a spur; and, lastly, an old concrete foundation east of the drill track and south of and encroaching upon the projected street crossing, the spur alongside which is used for holding cars awaiting switching movements. Shed No. 102, north of the proposed Broadway link and west of the drill, now encroaches about three feet on the projected street.

(2) This reverse installation was designed to obviate switching movements across the highway. (See S. P. Co., supra)

The principal movement at this location occurs from July to December and is divided about equally between perishable fruits and sweet potatoes, the latter being shipped in the early winter. In 1949, to December 12th, 22+ cars were moved in and out of the locality, with the major movement outbound. A substantial amount of switching is done at night. Low-lying tule fogs during the colder months entail the taking of extra safety measures for these operations.

The application was supported by the Mayor of Atwater, by a member of the City Council engaged in the business of home construction in the area, by a director of the Merced Irrigation District, who owns one of the packing sheds on property leased from the railroad, and by the Superintendent of the local grammar school district.

The testimony of these witnesses established that the population of Atwater increased from about 1200 in 1947 to approximately 3000 in 1948; that a new grammar school for upper grades is to be constructed in the vicinity of 5th Street and Grove Avenue, two blocks north of Elm Avenue and about one-half mile west of the terminus of the drill track; that there are some 35 homes in the Castle Park area, both inside and outside the city limits, and more are under construction; that in the area south of the main part of town and of the highway, bounded by Drain Ditch, Wassum Road and Bloss Road, there are about 12 houses and that this area is served by city fire and school transportation facilities; that there have been no delays in such service due to the necessity of vehicles having to cross the highway.

It was further established that persons traveling between the Castle Park subdivision and the center of town, as well as school buses conveying children from the surrounding territory east and south of the city, are accustomed to travel along the highway, but would use Broadway if that street were opened across the railroad's property; however, school buses conveying children from areas south of Atwater which now turn left into the highway at Shaffer Road would still have to cross the highway in order to get to Broadway.

E. B. Wood, owner of the packing shed located between the highway and the proposed Broadway link, testified that his company ships about 100 cars of fruit per year, chiefly in the summer months, and that the projected street extension would not concern him if he could still get railroad service. Any interference with the track, he stated, would be a detriment from a shipping standpoint, especially if it were necessary to "break" trains at the street.

The cost of necessary preparations, installations and structural relocations at the site of the proposed crossing, including automatic signal protection deemed by the railroad's engineers to be required because of the night switching movements and fog conditions, was estimated by operating officials of the Southern Pacific Company at approximately \$19,000, with cost of maintenance at \$200 to \$300 per year. The life of the crossing was estimated at about 10 years, depending on traffic. The railroad's position was that the crossing would be of no benefit to it, would result in restriction of car movements and blocking of vehicular traffic, and was not justified by present or potential

usage. It was the opinion of the railroad officials that the entire cost of the crossing, except maintenance, should be borne by the City of Atwater.

We have given careful consideration to the facts disclosed by this record and have come to the conclusion that a street crossing at the location here proposed is neither desirable nor necessary under existing conditions. The application will be denied.

O R D E R

A public hearing having been held herein, evidence having been received and considered, the application having been submitted for decision, the Commission now being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED that the application of the City of Atwater herein be and it is hereby denied.

The effective date of this order shall be twenty (20) days after the date hereof:

Dated at San Francisco, California, this 17th day of January, 1950.

R. Z. Johnson
Justin F. Coakley
Joseph L. Farrell
Harold P. Hule
Herbert W. Potter
COMMISSIONERS