

ORIGINAL

Decision No. 45032

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN)	
PACIFIC COMPANY for an investigation of grade)	
crossing of Dainty Way over applicant's line)	
in Brentwood; to allocate the cost of any)	Application No. 30439
additional crossing protection found necessary;)	
or to abolish said crossing if the same is not)	
needed.)	

R. S. MYERS, for Southern Pacific Company, Applicant
ROBERT N. BLEWETT, for City of Brentwood, Protestant
ROBERT L. CONDON, interested party.

OPINION

In this proceeding Southern Pacific Company requests an investigation of the crossing at grade of Dainty Way over its main line and other tracks in Brentwood, Contra Costa County, to determine if additional protection is needed, and if so, to allocate the cost thereof; or in the event said crossing is found to be not necessary in the public interest, to have authority granted for its physical closing.

A public hearing has been held before Examiner Hall, briefs filed, and the matter submitted and ready for decision.

The main line of applicant between Oakland and Tracy, via Martinez, runs in a general north and south direction through Brentwood. Within the city limits the tracks are straight. Oak Street and Dainty Way are the only streets crossing the tracks, Oak Street crossing being located adjacent to applicant's depot.

On the east side of the railroad, Railroad Avenue is adjacent and parallel to applicant's right of way, and First Street is located one block, or about 400 feet, east thereof. Immediately west of the railroad and parallel thereto is Walnut Boulevard which extends southeasterly from Dainty Way a distance of approximately 900 feet and then curves away from the railroad to the south. Dainty Way extends west after crossing Walnut Boulevard. Oak Street has its westerly terminus

at Walnut Boulevard and extends easterly several blocks. The State highway route through Brentwood runs on Oak Street between First Street and Railroad Avenue, thence southerly along Railroad Avenue to and beyond the south city limits of Brentwood. The main retail business district is along Oak Street. The industrial area is along both sides of the railroad right of way.

The physical characteristics surrounding each of the crossings herein involved are summarized as follows:

	<u>Dainty Way</u>	<u>Oak Street</u>
Number of Tracks	1 main line 5 sidings	1 main line (Ex. #2) 5 sidings "
Width of pavement (approx.)	25 feet	25 feet
Protection	1 #1 crossing sign	2 #3 wigwag signals (Ex. #3) 1 #1 crossing sign

Traffic Count - 6:00 a.m. to 6:00 p.m.

	<u>Oct. 7</u> <u>Ex. 1</u>	<u>Oct. 10</u> <u>Ex. 5</u>	<u>Oct. 14</u> <u>Ex. 6</u>	<u>Oct. 7</u> <u>Ex. 1</u>	<u>Oct. 12</u> <u>Ex. 5</u>	<u>Oct. 14</u> <u>Ex. 6</u>
Pedestrians	77	-	-	471	-	-
Autos	310	346	308	1,793	1,913	1,810
Trucks	150	171	119	788	795	777
Motorcycles	1	-	-	4	-	-
Buses	2	-	-	15	-	-
Bicycles	10	-	-	13	-	-
Trains:						
Switching						
Movements	12	-	-	31	-	-
Train "	6	-	-	6	-	-

All traffic to the business district of Brentwood and to the industrial area east of the tracks originating west of the railroad must use either of the crossings herein involved.

The fruit packing houses are located on each side of Dainty Way, adjacent to Railroad Avenue or Walnut Boulevard. During the fruit season large quantities of perishables are moved from the west of the tracks to these packing houses.

Applicant contends that in view of the small amount of traffic, Dainty Way crossing could be closed without undue hardship to the traveling public, but if it is shown that this crossing should be kept open, then automatic protection should be provided with circuits that will reduce to a minimum excess operation and ringing when trains are not actually moving over the crossing.

The City of Brentwood vigorously objected to the closing of the Dainty Way crossing on the ground that it is necessary for the circulation of vehicular traffic in the industrial and business districts of the city; that trucks loaded with perishables originating to the west of the city must cross the railroad to reach the packing houses; that to avoid congestion at the intersection of Oak Street and Railroad Avenue those trucks use the Dainty Way crossing rather than the Oak Street crossing; that this congestion is caused largely by right and left turn movements as all State Highway traffic must make these turns at the intersection of Oak Street and Railroad Avenue; and that this congestion is materially reduced by the use of the Dainty Way crossing.

A witness for the School District testified that school bus drivers have been instructed to use the Dainty Way crossing in order to avoid the State Highway traffic. He vigorously opposed the closing of the Dainty Way crossing and was of the opinion that crossing signals should be installed.

The Fire Department showed that it had fire plugs on either side of the tracks at Dainty Way and that a crossing is necessary to enable it to lay hose from the fire truck across the tracks. If no crossing existed at that location it would be necessary to lay the hose by hand, a slow and cumbersome method.

Many witnesses were called by the City, including its Planning Engineer, who showed that both the crossing at Oak Street and the one at Dainty Way were necessary; also that the latter crossing should be protected by automatic signals.

In reviewing the entire record in this proceeding we find the following:

(a) Both the crossing at Dainty Way and the one at Oak Street are a convenience to the traveling public, although the volume of vehicular traffic could be handled by one crossing;

(b) The elimination of the Dainty Way crossing would cause inconvenience to vehicular traffic through the industrial area of the city as such traffic would pass through the intersection of Oak Street and Railroad Avenue causing an abnormal amount of turning movements and interference at that location;

(c) Public convenience necessarily requires the continued use of the Dainty Way crossing;

(d) Dainty Way crossing should be protected by automatic signals for the protection of road traffic;

(e) The cost of providing such protection should be borne equally by applicant and the City;

(f) Applicant should rearrange the circuits of the signals at Oak Street in order to reduce excess operation of signals when no train movements are passing over the crossing.

The following order will provide for additional crossing protection as hereinbefore outlined.

ORDER

A public hearing having been held and the matter having been submitted, IT IS ORDERED:

I. That applicant and the City of Brentwood are authorized to install two No. 8 flashing light signals at the crossing of Dainty Way with the tracks of Southern Pacific Company (Crossing No. B-61.6) with control circuits which will reduce to a minimum excess operation of said signals. The cost of construction of these signals shall be equally divided between applicant and the City of

Brentwood. The maintenance of these signals shall thereafter be borne by applicant. Before starting installation, applicant shall file with the Commission circuit drawings for said signals.

II. That applicant shall at its own expense rearrange the circuits for the signals at the Oak Street crossing (Crossing No. E-61.7) in order to reduce excess operation of said signals when no trains are moving or passing over the crossing.

Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing. This authorization shall become void if not exercised within one year unless time be extended or if above conditions are not complied with. This order shall be effective twenty days after the date hereof.

Dated at San Francisco, California, this 21st day of November, 1950.

A. J. Anderson
Justin F. Peterson
Charles F. Powell
Harold F. Wills
Rosemary Potter
Commissioners