

ORIGINALDecision No. 50280

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CITY OF MERCED to)
 construct a public street at grade)
 across The Atchison, Topeka and)
 Santa Fe Railway at Glen Avenue.)

Application No. 35286

F. A. Silveira for applicant.
Robert B. Curtiss and Richard K. Knowlton for
 The Atchison, Topeka and Santa Fe Railway
 Co., protestant.
Graham R. Mitchell for Brotherhood of Locomotive
 Engineers, interested party.
M. E. Getchel for Commission staff.

O P I N I O N

In this proceeding the City of Merced, by application filed March 26, 1954, requests an order directing the establishment, at grade, of a crossing for public street purposes over the right-of way and tracks of The Atchison, Topeka and Santa Fe Railway Company at Glen Avenue.

Public hearings were held in Merced on June 17 and 22, 1954 before Examiner Rowe and oral and documentary evidence having been adduced, on the latter date, the matter was duly submitted for decision.

Glen Avenue, now under contract to be paved, extends for three blocks south of the tracks to 21st Street in the City of Merced. Between 21st and 20th Streets there is an unsurfaced ten-foot wide public right of way used for pedestrians and bicycles. South of 20th Street Glen Avenue extends for three blocks to 17th Street. The tracks at the point of the proposed crossing are at a grade approximately seven feet above the grade of Glen Avenue and

about the same height above Santa Fe Avenue, a County Road running generally east and west and paralleling the tracks and approximately fifty feet north of the railroad right of way. The grade proposed for Glen Avenue to Santa Fe Avenue is 6% and that to the south from the tracks is 5%. Glen Avenue does not extend north of Santa Fe Avenue.

Glen Avenue is not a thoroughfare but it and the streets it crosses for several streets to the south are essentially residential in nature. Pavement of only forty feet in width is being installed in Glen Avenue.

Except in the vicinity of G Street to the west and along Stretch Road and Santa Fe Avenue to the east the area north of the tracks is essentially farm land and not extensively built up. Some houses are in existence along South Bear Creek Drive but until Glen Avenue is extended north in some indefinite future period they cannot be expected to furnish any need for the proposed crossing. The other houses now occupied can adequately be served by the present crossing at G Street or by the overpass on State Highway 140.

Hoover School north of the tracks may be benefited by the proposed crossing. However, this school alone cannot show a pressing need for the Glen Avenue crossing as students south of the tracks can reach the school over the G Street crossing by a not too great driving distance. According to the testimony at the hearing students on foot or riding bicycles as a rule would not use the Glen Avenue Crossing if constructed, but more probably would continue to cross at any convenient spot or would crawl or walk under one of several shallow trestles.

The City sought to show a need for the Glen Avenue crossing by evidence that subdivisions are either under construction or contemplated north of the tracks and south of Bear Creek. Until the houses in these existing and proposed subdivisions become inhabited it is speculative as to whether the people living there would use Glen Avenue if constructed as there is no evidence upon which to base a determination of their probable destination. The evidence that at some future time the City may construct an additional fire station at Glen Avenue and 21st Street is not conclusive. The use of Glen Avenue by the police and ambulances on emergency runs through a residential area inhabited by families of many children presents additional traffic hazards.

Until definitely programmed the evidence of a new public school north of the tracks cannot be considered as determinative. This is especially so in view of the evidence that the children going to and from Hoover School now and probably even after an additional crossing is constructed will continue to cross at any convenient spot.

The crossing as proposed, according to the testimony of the representative of the Brotherhood of Locomotive Engineers, would create a definite safety hazard. The sharp grade from Santa Fe Avenue with its short approach to the tracks was emphasized as being dangerous for all vehicles. The fact that there is a passing track at this point was considered an additional danger factor. After the waiting train has been broken it would obscure the view from the north.

The Commission finds that there is not a present substantial public need for the proposed crossing. It further finds that the crossing as proposed presents a dangerous situation inimical to the public interest. The fact that G Street is to be widened to four lanes should tend to reduce congestion over that

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crossing and materially increase accessibility to the area north of the tracks. It is concluded, after weighing the various factors involved, that applicant has failed to show that public convenience and necessity require or justify the granting of the application for a new crossing over this important railroad with its attendant hazards. The application will be denied.

O R D E R

Public hearings having been held, the Commission being fully advised in the premises and the matter having been submitted, IT IS HEREBY ORDERED that the above-entitled application No. 35286 be, and it hereby is, denied.

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

Dated at San Francisco, California, this 13th day of July, 1954.

John E. Mitchell President
Justin J. Adams
Bennett Potter
Gene Higgins
Commissioners