

**ORIGINAL**Decision No. 51203

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 crossing at grade across )  
 the right of way and track of the main )  
 line of the Southern Pacific Railroad, at )  
 its intersection with Florence Avenue )  
 between Van Ness Avenue and Tulip Avenue )  
in Fresno County, California. )  
 Commission investigation into the safety, )  
 maintenance, operation, use and protection )  
 of crossings of public highways and the )  
 lines of the Southern Pacific Company, )  
 south of the City of Fresno, County of )  
Fresno. )

Application No. 34819

Case No. 5593

Maurice E. Smith, for applicant County of Fresno,  
 and interested party in the investigation.  
R. S. Myers, for Southern Pacific Company, respond-  
 ent and interested party in Application No. 34819.  
William C. Crossland, for Charles L. Fink, protestant  
 in the application proceeding.  
Carl L. Dougherty, for Fresno County and City Chamber  
 of Commerce, interested party.  
W. Frank Kristman, for Thompson-Diggs Co., interested  
 party.  
J. E. Place, for The Atchison, Topeka and Santa Fe  
 Railway Company, interested party.  
Graham R. Mitchell, for the Brotherhood of Locomotive  
 Engineers, interested party.  
William R. Roche, for the Commission staff.

O P I N I O N

By Application No. 34819 filed October 23, 1953, the County of Fresno seeks an order (a) authorizing the construction of a new public highway crossing at grade over the right of way and tracks of the Southern Pacific Company at Milepost 206.8 as an extension of Florence Avenue in county territory adjacent to the southerly boundary of the City of Fresno, (b) requiring the closing of the present nearby crossing at Tulip Avenue No. B-206.9 and that at Belgravia No. B-207.0 and (c) apportioning the cost of the necessary protection at the proposed crossing. Case No. 5593 instituted by an order dated November 16, 1954 involved an investigation initiated by the Commission to determine whether public safety requires closing or

alteration of the two present grade crossings and opening the requested new grade crossing, whether protective devices should be installed at one or more of the crossings, and whether the expense of so-doing should be apportioned (and if so, upon what terms) between the railroad and the county.

A public hearing was held before Examiner Rowe at Fresno on February 10, 1955 when the matters were submitted. By stipulation the proceedings were consolidated for hearing and decision.

Evidence in support of their positions was offered by the respective parties. The proposed Florence Avenue grade crossing is designed for a width of thirty feet where it intersects the northeasterly boundary of the railroad right of way. The width increases to approximately one hundred twenty feet where Florence Avenue commences to intersect Railroad Avenue which is contiguous to and southeasterly of said right of way. Florence Avenue intersects the right of way at an angle of approximately 48 degrees. The increased width of the crossing is evidently designed to make the use of vehicles easier as they approach northwesterly along Railroad Avenue. View conditions are bad in the northeasterly quadrant and if buildings should be constructed on the vacant lots in the southeasterly quadrant the view in that quadrant will also become bad. Trackage to be crossed consists of a double main track line, one drill or passing track and one spur track. The grade of approach will be four per cent.

Tulip Avenue (Crossing No. B-206.9) intersects four tracks, two mainline, one passing, and one spur, at an angle of 90 degrees. The westerly approach is on a grade of approximately seven per cent and the easterly approach is two per cent. The average width of the crossing is twenty-two feet. Vision of the tracks on the two quadrants easterly thereof is bad. Crossing protection consists of one Standard No. 1 sign (a crossbuck). Seven accidents have occurred at this

crossing since June 24, 1929. One person was killed and five were injured.

Belgravia Avenue (Crossing No. B-207.0) intersects three tracks, two mainline and one passing at an angle of eighty-five degrees. The westerly grade of approach is approximately eight per cent. Protection consists of one Standard No. 1 sign and "R x R" and stripes painted on the pavement of the street approaches. During the last seventeen years there have been seven accidents at this crossing involving one death and two injuries.

In general the two existing crossings and the proposed crossing at Florence Avenue serve the same area. Many light industries are located along the westerly side of Railroad Avenue west of the tracks. Larger plants are located north of Florence Avenue easterly of the tracks and also along East Avenue. Many small homes and some vacant lots surround Tulip and Belgravia Avenues. The first crossing northerly of the proposed Florence Avenue crossing is Van Ness Avenue designated as Crossing No. B-206.7, approximately six hundred feet distant. The first crossing southerly of Florence Avenue, in case Tulip Avenue and Belgravia Avenue crossings are closed, is Church Avenue, Crossing No. B-207.2, some 1,800 feet distant. Protection at Van Ness Avenue and Church Avenue consists of two Standard No. 3 wigwag signals at each crossing.

According to recent traffic counts over 3900 vehicles used the Church Avenue crossing in a period of 24 hours while the use of Tulip Avenue was less than 400 vehicles and Belgravia in the neighborhood of 500 vehicles. Daily train traffic consists of six scheduled passenger trains, nine scheduled freight trains, an estimated three to six drill track or switch moves and three to six extra trains. At Florence Avenue the passenger trains are permitted to move at fifty miles per hour and the freight trains move at speeds up to thirty miles per hour.

The testimony of a representative of an oil refinery company was that some of its tank trucks transporting gasoline and other highly inflammable materials would be diverted from use of the Church Street Crossing to Florence Avenue as soon as it is opened. A witness representing a highway common carrier testified that the use of Tulip Avenue and Belgravia Avenue was especially hazardous due to the fact that its large trucks were compelled to make a turn as they crossed the tracks at said crossings.

The Commission finds that the proposed Florence Avenue Crossing is in the public interest and should be opened, that the protection at said crossing should consist of two Standard No. 8 flashing light signals with "two train indicators" working as an integral part thereof. The present crossings at Tulip Avenue and Belgravia Avenue are found to be dangerous and their use should be discontinued.

O R D E R

Application therefor having been filed and an investigation on the Commission's own motion having been instituted, both matters having been duly submitted and the Commission now being fully advised,

IT IS ORDERED:

(1) That the County of Fresno is directed to construct at Florence Avenue, a public crossing, at grade over the right of way and tracks of Southern Pacific Company at Milepost 206.8 southerly of the City of Fresno as more particularly described in Application No. 34819, subject to the following conditions:

- a. The crossing herein authorized shall be identified as Crossing No. B-206.8.
- b. The entire expense of constructing the crossing, except to the extent set forth in subparagraph (d) hereof, shall be borne by applicant.

- c. Said crossing shall be constructed equal to or superior to type shown as Standard No. 2 in General Order No. 72 and shall be protected by two Standard No. 8 flashing-light signals of the type shown in General Order No. 75-B equipped with "two trains" indicators and the No. 8 flashing-light signal on the Railroad Avenue side of the railway right of way to be also equipped with an additional set of flashing-light signals to face the northwest bound traffic on said Railroad Avenue.
- d. The entire cost of acquiring and installing such flashing-light signals with two trains indicators shall be borne fifty per cent by applicant and fifty per cent by the Southern Pacific Company.
- e. The cost of maintaining said flashing-light signals with two trains indicators and the portions of said crossing between lines two feet outside of rails shall be borne by the Southern Pacific Company.
- f. Simultaneously with the opening of Crossing No. B-206.8 at Florence Avenue, the crossings at Tulip Avenue, Crossing No. 206.9 and at Belgravia, Crossing No. B-207.0 shall be closed to all vehicular traffic by constructing fences or other proper barriers and the road surface removed from said last-mentioned two crossings at the sole cost of applicant.

(2) That within thirty days thereafter applicant shall give the Commission written notice of the completion of all said construction and removal and of its compliance with the conditions hereof.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of March, 1955.

E. Mitchell  
President

Justice F. Campbell

Paul H. Lawrence

William H. Hooley

Commissioners