

ORIGINALDecision No. 67891

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 the CITY OF DAVIS to construct a city)
 street across the right of way of)
 the Southern Pacific Railroad Company)
 at Fifth Street.)

Application No. 45895
 (Filed October 23, 1963)

Charles A. McGahan, for applicant.

Randolph Karr, Harold S. Lentz, for
 Southern Pacific Company,
 protestant.

Martin J. Lewis, for the Commission
 staff.

O P I N I O N

This matter was heard in Davis before Examiner Power on June 16 and 17, 1964, and was submitted on the latter date.

The double tracks of Southern Pacific's Overland or Ogden route pass the City of Davis on its southerly edge. These tracks extend in a generally northeasterly and southwesterly direction, between San Francisco and Sacramento. At Davis this trackage is joined by the single track western leg of the Shasta route coming down from Gerber and the north. At 3rd Street in Davis this Shasta route trackage forks into a wye passing on either side of the Davis station to the Ogden route trackage mentioned above.

There is one underpass but no grade crossing on the Ogden route trackage at Davis. On the Shasta route trackage there are presently crossings at 3rd, 4th, and 8th Streets and

at Road No. 31 north of the city, but within the city limits. The 3rd and 4th Street crossings lead into the principal business district which is west of the tracks.

Vehicular traffic at the 3rd Street crossing amounted to 3,500 per day in June 1964. Fourth Street carried 3,000 vehicles at that time but 3,400 in a September, 1963, count. Eighth Street was used by 4,300 vehicles per day in March of 1964. The mechanical traffic counting devices normally do not count bicycles because of their light weight. Davis is a college town and has bicycle traffic far in excess of what would normally be expected. The traffic counts therefore appear to represent an understatement of actual traffic if bicycles are to be included. The maximum rail traffic on the Shasta route track is six passenger trains, twelve through freights and twelve switching moves, a total of 30. The minimum traffic is four passenger trains, eight through freights and ten switching moves, a total of 22. Fifth Street is to be developed by the City of Davis as a crosstown major street. It will originate in the residential area east of the Shasta route tracks and proceed slightly south of due west across the tracks and on to B Street. Then after a slight jog on B Street its traffic will flow into a due east-due west street called Russell Boulevard which runs along the northern boundary of the University of California campus.

The City of Davis proposes to eliminate the jog from 5th Street to Russell Boulevard and widen both streets to four lanes. The smoothing out of the intersection and the widening from A Street and Russell Boulevard to 5th and C Streets is included in the 1964-1965 budget together with the crossing expense.

None of the parties objected to the opening of 5th Street. It is clear that this street, already projected as a major street, will become a well-used crosstown route.

The railroad and the staff each recommended that, when 5th Street was opened, 3rd or 4th Streets, preferably 3rd Street, be closed. The city and all of the public witnesses were opposed to closing either 3rd or 4th Streets.

In the first block east of the tracks on 3rd Street there are at least five businesses with frontage on 3rd Street. Unquestionably, if the 3rd Street crossing were closed these businesses would be physically cut off from the main "core area" (downtown business district) which lies just west of the tracks. Therefore, they would be placed in a cul-de-sac whose open end faces away from the business district. All of these improvements are less than a year old. It was therefore suggested that the improvers may have been aware of the danger that 3rd Street might be closed. However, no one can be charged with anticipation of a Commission decision and it was known that the city would oppose the closing.

As far as 4th Street is concerned the record will not support any kind of a conclusion. This street was mentioned only incidentally by some witnesses. Others did not mention it at all.

If the opening of 5th Street were authorized, there would be two crossings into the core area (3rd and 4th) and two which bypass traffic around that area (5th and 8th).

The City of Davis depends very largely on the University of California for its prosperity. For many years last past the University has been expanding its operations at Davis.

The 1950 census found 3,554 people in the city. By 1960 this figure had increased to 8,910, or by 151 percent. The California Department of Finance estimates further growth to a population of 12,700 in 1964. This estimate is very persuasive since it fits in with the 1950-1960 expansion and the past policy and future plans of the University.

In the Commission's opinion the 5th Street crossing should be authorized. Further, it is our opinion that this record will not sustain a finding that the crossings at 3rd or 4th Streets should be closed. Finally, we are of the opinion that the protection at 5th Street should consist of two flashing light signals equipped with automatic gate arms.

In view of our conclusion herein respecting 3rd and 4th Streets, it would appear that the entire cost of construction should be assessed to the city.

We have heretofore decided that the cost of maintaining signal protection is to be assessed against the railroads. (Decision No. 66881, Cases Nos. 7463 and 7464.) The order which follows the findings and conclusions hereinafter set forth will provide such costs shall be met by Southern Pacific Company.

The Commission finds that:

1. Public convenience and necessity require that the City of Davis be authorized to construct 5th Street at grade across tracks of Southern Pacific Company's Shasta route in that city.

2. The record in this proceeding will not sustain a finding that public convenience and necessity will no longer require the crossing of either 3rd or 4th Streets after the crossing at 5th Street is opened.

3. It is fair and reasonable to allocate the total cost of the construction of signal protection for the 5th Street crossing to the City of Davis and the total cost of maintaining the same to Southern Pacific Company.

4. The signal protection required by public safety at the 5th Street crossing is two Standard No. 8 flashing light signals (General Order No. 75-B) equipped with automatic gate arms.

The Commission concludes that the application should be granted, costs allocated and signal protection adopted as provided by the following order.

O R D E R

IT IS ORDERED that:

1. The City of Davis is hereby authorized to construct 5th Street at grade across tracks of the Southern Pacific Company in Yolo County, at the location described in the application, to be identified as Crossing No. AE-75.9. Applicant shall bear entire construction expense, also maintenance cost of the crossing outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost of the crossing between such lines and all costs of maintenance of the crossing signals. Width of crossing shall be not less than 78 feet and grades of approach not greater than one percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by two Standard No. 8 flashing light signals (General Order No. 75-B) equipped with automatic gate arms.

2. Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. This

authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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

Dated at San Francisco, California, this 22nd day of SEPTEMBER, 1964.

President

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Commissioners

We concur, except that we would require a sharing of the cost of maintaining crossing protection.

*George E. Grover
Frederick B. Halloff*