

ORIGINAL

Decision No. 70987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing construction at grade of interchange tracks in "B" Street and across 23rd Street, 24th Street and 25th Street in the City of Sacramento, County of Sacramento, State of California.

Application No. 47748
(Filed July 16, 1965)

Investigation into the status, safety, maintenance, use and protection or closing of crossing at grade of the tracks of the Southern Pacific Company by 25th Street in the City of Sacramento; Crossing No. A-90.7.

Case No. 8352
(Filed February 23, 1966)

Harold S. Lentz, for the Southern Pacific Company.

J. C. Jennings, for the City of Sacramento.

M. E. Getchel, for the Commission staff.

O P I N I O N

Application No. 47748, filed by Southern Pacific Company, requests authority to construct interchange tracks in "B" Street and across 23rd, 24th, and 25th Streets in the City of Sacramento. The new tracks would provide facilities for the interchange of cars between Sacramento Northern Railway Company, The Western Pacific Railroad Company, Central California Traction Company and the applicant. It is alleged that the new tracks would replace other facilities which would be abandoned. The application reveals that "B", 23rd and 24th Streets do not cross the tracks at this location and therefore do not have grade crossings.

The Commission investigation was instituted on the 25th Street crossing for the purpose of determining whether the crossing should be closed.

The application and investigation proceedings were consolidated and a hearing was held in Sacramento, on May 11, 1966, before Examiner Fraser. The application was not protested and the City of Sacramento agreed to construction of the tracks prior to the hearing. Evidence was presented by the Commission staff and the City of Sacramento. The former introduced the single exhibit received in the proceeding.

The evidence shows that the 25th Street crossing connects only with 24th Street by a narrow, steep, 300-foot long dirt roadway parallel to the railroad tracks which climbs the railroad embankment and turns sharply to enter the crossing at a 90° angle to the tracks. The exhibit indicates that during a 12-hour period 36 vehicles and 31 trains moved through the intersection. The crossing serves only the Sacramento City Dump and a sand and gravel plant; both the dump and gravel plant are accessible via the 28th Street crossing which is three blocks from 25th Street.

The Commission staff and the Southern Pacific Company recommended that the 25th Street crossing be closed. The City of Sacramento requested that the crossing be left open as a supplement to the 28th Street crossing. The city is not willing to spend any money for improvement of the protection or approaches of the 25th Street crossing.

Based upon the evidence the Commission finds that :

1. The 25th Street crossing is not used sufficiently to justify its retention as a public grade crossing.
2. The crossing is hazardous to the public in its present condition and the cost of providing proper approaches to the crossing and adequate automatic gate protection would not be economically feasible.

The Commission concludes that:

1. Crossing No. A-90.7, 25th Street, City of Sacramento, should be closed by the erection of physical barriers;

2. Authority from this Commission should be granted to construct the interchange tracks over the foregoing unimproved streets and 25th Street, but this should not be construed as authority to open these streets to public use and travel.

O R D E R

IT IS ORDERED that:

1. The grade crossing over the tracks of the Southern Pacific Company in the City of Sacramento at 25th Street (A-90.7) shall be closed by the Southern Pacific Company to all vehicular traffic by the erection of adequate barriers; said closure to be accomplished within thirty days after the effective date of this order.

2. Southern Pacific Company is authorized to construct interchange tracks in "B" Street and across 23rd Street and 24th Street, all unimproved streets, and across 25th Street, in the City of Sacramento at the locations described in the application. Applicant shall bear entire construction and maintenance expense.

3. "B" Street, 23rd Street and 24th Street are not at present open to public use and travel and upon the closing of 25th Street as ordered herein, 25th Street will also not be open to public use and travel, and this order is not to be deemed authority for such openings.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing. The authorization to construct interchange tracks 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 19th day of JULY, 1966.

President

Fredrick B. Hallock

Augustine

William B. Bennett
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

I concur in the order.

George J. Grover