

ORIGINAL

Decision No. 72364

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the City of Visalia for a
Railroad Crossing over the
Southern Pacific Company's
Railroad in Section 29, T. 18 S.,
R. 25 E., M. D. B. & M.

Application No. 48658
(Filed July 26, 1966)

N. O. Bradley, City Attorney, for applicant.
Harold S. Lentz and L. W. Telford, for
Southern Pacific Company, protestant.
M. E. Getchel, for the Commission staff.

O P I N I O N

Public hearings were held before Examiner Power at Visalia on December 6 and 7, 1966. On the latter date the matter was submitted and is now ready for decision.

Visalia is a city of approximately 24,000 population and is the seat of Tulare County. It is traversed by two railroads, the Southern Pacific and Santa Fe. The former goes through the city in an east-west direction along the northern edge of the commercial area. Santa Fe's Visalia branch goes through in a north-south direction in the eastern part of the commercial area. Both railroads run in streets for part of the distance through the city. Santa Fe travels on Santa Fe Avenue and Southern Pacific's tracks are on Oak Street.

Other north-south streets to the west of Santa Fe Avenue are affected by this application. The first one going west is Bridge Street, the subject of this application, the next is Garden Street and the next, Church Street. The next two streets to the

west of Church Street are Court and Locust Streets. These are paired one-way streets forming part of State Highway 63.

The City of Visalia seeks authorization to construct Bridge Street at grade across four tracks of Southern Pacific Company. They propose to proceed under Section 1202.1 of the Public Utilities Code by depositing with the railroad an amount covering the probable cost of the project.

Shortly before this application was filed the State Department of Public Works converted State Highway No. 198 into a freeway. This was done by constructing a depressed (i.e. below ground level) roadway across the City of Visalia from east to west. Nine bridges were constructed. The result was that direct north-south routes were reduced from 26 to 9.

The nearest freeway crossovers to Bridge are the Court-Locust pairing to the west and Burke Street to the east. The Court-Locust traffic is very heavy. Burke Street does not go through to the northern edge of the settled area. It is clear that public convenience and necessity require this crossing and the granting of the application, unless there is something in the railroad traffic situation that would inhibit such a grant.

There is no such inhibiting factor. There is normally only one train a day, six days a week. This train leaves Fresno in the morning, and, after working certain stations on the Porterville Branch, arrives in Visalia in the afternoon.

The train performs switching operations at several points in Visalia, but the major rearranging of the train takes place across Bridge Street. Southern Pacific's trainmaster testified that up to eight moves could be made in the crossing area in one day. The time consumed varies from 10 to 30 minutes. The trainmaster

went on to testify that the necessity of keeping the street open would slow down the switching, perhaps extending it to as much as an hour.

The trainmaster's testimony, weighed with that of the city's technical witnesses, suggests the solution of the protection problem. The interest of the city in having maximum use of its street and that of the railroad in expeditious handling of its traffic and maximum usage of its trackage point in the same direction.

The proper protection for Bridge Street is to physically obstruct it when the train is switching there. There are several means of doing this. Among them are manually operated crossing gates, gates operated by an electric switch, or the switch key carried by all trainmen, but not by track circuits, posts set in sockets inserted in the street surfacing and moveable barricades of the type used to keep traffic out of road construction areas. The Commission will leave the selection of the specific type of obstruction to agreement of the parties in the first instance, a further order herein can be made if necessary. The city and railroad are not to consider themselves restricted to the methods outlined above if they can devise a better system.

Crossing protection activated by track circuits would deprive the railroad of the use of a very large part of its 1,000 linear feet of trackage in the area and east of it.

Section 1202.1 requires the Commission as promptly as possible to render a decision on the amount to be advanced by the city for the work to be done by the railroad. Southern Pacific's engineer witness produced certain figures relating to this aspect of the proceeding. Certain changes in the track grade will have

to be made. His figures were based on a full 48 foot plank crossing on the main tracks and timber headers inside the rails only on the other tracks. This, he estimated, would cost \$9,265 if the city did all the paving; and \$9,865 if the railroad did the paving within lines two feet outside the rails. Removal of part of Southern Pacific's station was estimated to cost \$3,070. It appears that \$15,000 would be a reasonable amount for the city to deposit with Southern Pacific Company to initiate construction. This deposit will leave only \$2,065 or \$2,665 for signal protection cost. If, when the city and railroad reach agreement on a specific device, the cost of the device exceeds such residue, provision therefor can be made by subsequent order.

We have excluded from the deposit, costs of land acquisition, building a new truck terminal, track extensions and switch relocation. These represent damage to Southern Pacific occasioned by the taking of its property, and are not part of the project cost. It is elementary that a proceeding in eminent domain must take place unless it is obviated by agreement. The method of protection adopted by the Commission will, in addition, render some or all of the track work unnecessary.

The Commission finds that:

1. There is no other street in the eastern part of the City of Visalia which is as suitable as Bridge Street for a north-south route through the eastern part of the city.
2. Public convenience and necessity require that the proposed crossing be authorized.
3. Public health and safety require that Bridge Street be closed during switching operations in the crossing area.

4. The free flow of foreign, interstate and intrastate commerce requires the closing of the Bridge Street crossing during switching operations.

5. Maximum usage for switching and storage of Southern Pacific Company's trackage in the vicinity of its station requires that Bridge Street be closed to street traffic during switching operations and that no track circuits be installed.

6. The appropriate protection for Bridge Street crossing is a device which will close the crossing during switching operations without the use of track circuits.

7. The location and engineering plans proposed by the city are suitable for this crossing.

8. Since the proposed crossing is presently closed, no plans are necessary for rerouting of vehicular traffic.

9. Southern Pacific Company should prepare the tracks for paving, place all timbers in the crossing and perform necessary work on its station.

10. The City of Visalia should perform all street works including paving within and between the tracks.

11. The proper amount for the city's deposit with Southern Pacific Company pursuant to Section 1202.1 of the Public Utilities Code is \$15,000.

The Commission concludes that:

1. Bridge Street crossing should be authorized.

2. This crossing should be protected by a device which will close it during switching operations.

3. Southern Pacific Company should commence work when the City of Visalia has deposited with it the sum of \$15,000.

O R D E R

IT IS ORDERED that:

1. The City of Visalia is hereby authorized to construct Bridge Street at grade across four tracks of Southern Pacific Company to be identified as Crossing No. BAC-253.15.

2. Width of crossing shall be not less than 48 feet and grades of approach not greater than two percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72.

3. Protection shall be by two Standard No. 1-A crossing signs (General Order No. 75-B) and by two advance warning signs and by two devices not operated by track circuits which will close the crossing during switching operations across it.

4. Southern Pacific Company shall commence work as soon as possible after the receipt of the deposit required by Section 1202.1 of the Public Utilities Code.

5. The amount of such deposit is fixed at \$15,000.

6. Southern Pacific Company shall prepare its tracks to receive the roadway conforming them to the city's established street grades.

7. Southern Pacific Company shall remove a portion of its Visalia Station sufficient to clear Bridge Street.

8. Southern Pacific Company shall be responsible for construction between lines two feet outside the rails on each track. City of Visalia shall be responsible for all other construction. Southern Pacific Company and the City of Visalia are authorized to vary this division of responsibility by agreement.

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

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

Dated at San Francisco, California, this 2nd day of MAY, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.