

GLF

ORIGINAL

Decision No. 72653

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CITY OF OROVILLE }
for crossing of Spur Track. }

Application No. 48727
(Filed August 22, 1966)

C. Keith Lyde and William W. Schwarzer,
McCutchen, Doyle, Brown & Enersen,
for applicant.
Harold S. Lentz and L. W. Telford, for
Southern Pacific Company, protestant.
Kenneth G. Soderlund, for the Commission
staff.

O P I N I O N

By this application, as amended, the City of Oroville (City) seeks authority to construct a public crossing over three tracks of Southern Pacific Company (Southern Pacific). Public hearing was held before Examiner Bishop at Oroville on January 11, 12 and 13, 1967. With the filing of closing briefs the matter was taken under submission on March 22, 1967.

The street sought to be extended is Huntoon Street, which extends southerly through the business district of Oroville to the vicinity of Grace Street, where it deadends. This terminus is just short of the property and tracks of Southern Pacific. The street next westerly of, and parallel to Huntoon Street, is Lincoln Street. The latter crosses the Southern Pacific tracks and extends southerly across Mitchell Avenue to Oroville Dam Boulevard (Oro Dam Blvd.) and beyond.

Oroville is located at the end of Southern Pacific's Oroville Branch, which joins the main line at Marysville. For several years the carrier has operated its branch trains under trackage rights over the main line of The Western Pacific Railroad

Company (Western Pacific) from an interchange point a short distance north of Marysville to Western Pacific's Oroville yard, located just south of town. From that yard the trains return to Southern Pacific rails, proceeding in a northerly direction and curving slightly toward the east to the carrier's terminal yard just south of the city's central business district. As it enters Oroville from the Western Pacific interchange the Southern Pacific line is a single track. It branches into two tracks south of Mitchell Avenue, and into three tracks after crossing Lincoln Street. Thus the proposed Huntoon Street extension would involve a crossing over three tracks.

The proposal of City is to extend Huntoon Street southerly across the Southern Pacific tracks, after which the street would curve to the right and be extended parallel to the railroad tracks to a connection with Lincoln Street.^{1/} City further proposes to make Lincoln Street one-way for southbound traffic and the extended Huntoon Street one-way for northbound traffic. According to the application, Lincoln Street is "surcharged with unreasonably heavy traffic", which the pairing of the two streets is designed to alleviate. The application also indicates that this arrangement will be necessary to facilitate the movement of vehicular traffic between Oro Dam Blvd. on the south, and the community of Thermalito, located north of Oroville across the Feather River. At the present time, however, there is no connecting bridge between the two

^{1/} By Application No. 48048, filed on November 10, 1965, City of Oroville proposed to construct an extension of Huntoon Street along the right of way occupied by the Southern Pacific tracks here in issue and sought elimination of said tracks. By Decision No. 70494, dated March 29, 1966, Application No. 48048 was dismissed at applicant's request.

communities in this vicinity, and the construction of such a bridge, the city engineer testified, will not be financially feasible within the foreseeable future.

City expects to bear the cost of constructing the proposed crossing, a member of the city council testified. However, with respect to the installation of any signals for crossing protection, the amended application requests that the City be excused from the cost of such installation, on the ground that signals would not be needed.

Applicant's city engineer testified concerning the details of the proposed crossing and street extension. The street right-of-way would be 60 feet in width, in conformity with a city ordinance, and the traveled way, 40 feet between curb faces. At the crossing, the angle between Huntoon Street and the railroad tracks would be small (as contrasted with a right-angled crossing). The street would cross the tracks on a wide curve. On that portion of Huntoon Street which would be parallel to the tracks (between the proposed crossing and Lincoln Street) the distance between the westerly curb line of the street and the nearest rail of the Southern Pacific tracks would be 10 feet. All of the street right-of-way on this parallel section would be on property which is now owned by Southern Pacific. Acquisition by City would be by mutual agreement or, if necessary, by condemnation proceeding. The witness stated that no consideration had been given to locating the proposed extension of Huntoon Street west of the Southern Pacific tracks, which would make unnecessary the proposed grade crossing. The record shows that such arrangement would be impracticable, since two large commercial buildings and probably several residential structures would need to be removed in order to provide the necessary space.

The engineer further testified that in 1964 the State Division of Highways had approved the designation of gas tax money for the construction of the Lincoln-Huntoon couplet.

It is proposed to protect the projected crossing with a standard cross-buck sign. In the opinion of the city engineer and of the chief of police, safety does not require automatic protection. Their testimony discloses that the Lincoln Street crossing is protected by cross-buck signs and that there have been no accidents at that crossing within the past six years. The chief of police testified that the speed limit for road vehicles over the proposed crossing would be 25 miles per hour; he was of the opinion that vehicles would slow down for the left turn onto and over the crossing and that, because of driving parallel to the tracks before going over the crossing, drivers would have ample opportunity to watch for approaching trains.

While the application indicates that the one-way pairing of Lincoln and Huntoon Streets is proposed in order to lighten the burden of traffic on the former, it appears from the testimony of applicant's witnesses that the real purpose of the plan is to revitalize the downtown area of Oroville.^{2/} A councilman testified regarding efforts to stop the decline in business and the general deterioration which have been experienced in the downtown area of Oroville. A committee, known as Operation Bootstrap, with the witness as chairman, was appointed to consider the problem. A study was made for the committee by a firm of traffic engineering

^{2/} The city engineer expressed the personal opinion that Lincoln Street was not, at the time of hearing, surcharged with unreasonably heavy traffic. A traffic count taken on June 1, 1964, the record shows, reflected a total of 6800 cars on the north leg of Lincoln Street at its intersection with Mitchell Avenue.

consultants in which certain recommendations were made for improvement in traffic patterns which would make it more convenient for motorists to get into and out of the business district. One recommendation was to adopt the suggestion of the city engineer to convert Lincoln and Huntoon to a pair of one-way streets. In addition to other advantages, the rerouting of traffic in this manner was expected to facilitate access to the two parking lots in the business district. It is anticipated also that the revitalization of that district will result in an overall increase in traffic on the Lincoln-Huntoon couplet.

It was brought out in cross-examination of City's witnesses that if a connecting street were built east of the tracks from Lincoln to Myers Street (located one block east of, and parallel to Huntoon), making Myers one-way northbound from the junction of such connecting road to and through the business district, instead of utilizing Huntoon, it would not be necessary to construct a crossing over Southern Pacific tracks. City has never considered this possibility, the city engineer stated, because it is considered to be impracticable. A substantial amount of traffic uses Myers, he said, which, on conversion to a one-way street would result in congestion. Also, to enter the parking lots from Myers would, assertedly, complicate matters because of the necessity of going through three traffic signals east of the downtown area, with a resultant backup of traffic.

Granting of the application is opposed by Southern Pacific. Evidence on its behalf was adduced through a trainmaster, a travelling freight agent, an assistant division engineer and a signal engineer. The trainmaster described the road's operating

practices in handling carload shipments into and out of Oroville and the effect that the proposed crossing would have on these operations. The most easterly of the three tracks forming the terminus of the branch is the branch main track. All three of the tracks are used at different times for the following purposes: (1) as team tracks for the unloading or loading of cars by patrons who are not served by private spur tracks; (2) as storage tracks, for the accumulation of cars for certain shippers and for storage of refrigerator cars in the off-season; (3) for switching; and (4) for space blocking of flat cars for shipments of poles.^{3/} The middle track is equipped with a ramp for loading or unloading through an end door.

A short distance north of the Lincoln Street crossing there is a crossover from the main track to the adjacent track. This device is necessary to permit the locomotive, on arrival with a train, to change its position to the south end of the train for switching and for departure from Oroville. The crossover is not far south of the proposed Huntoon Street crossing.

Southern Pacific, the record shows, operates one freight train per day, six days per week, into Oroville. The train usually arrives between 12:00 noon and 3:00 p.m. Speed of train over the proposed crossing and adjacent crossings is from 8 to 10 miles per hour. There is no passenger train service on the branch.

According to Southern Pacific's witnesses, construction of the Huntoon crossing would have a severely adverse effect on the carrier's operations in Oroville. There are times when all three

^{3/} Space blocking is necessary where more than one flat car is required for the movement of a single load of poles. This consists of placing a block between the coupler and the draw-bar shank and of wiring the cut-lever, thus preventing uncoupling of the cars or the taking-up of slack. The operation is necessary in order to avoid possible damage to lading or cars.

tracks in the yard are occupied by cars. The present capacity of the tracks for spotting or storing is 27 cars. If the Huntoon crossing is built that capacity would be reduced to 14 cars. While there is another single team track south of Mitchell Avenue, its capacity is insufficient to meet the needs of the rail traffic. Because of a safety requirement of the carrier which prohibits the spotting of cars, except as a temporary arrangement during switching, within 100 feet of a grade crossing, the loss of track capacity would be greater than that measured by the width of the proposed crossing.^{4/}

One of the principal commodities handled by Southern Pacific at Oroville is power poles, which are consigned to Koppers Company, located on Western Pacific rails, for treating in transit. Subsequently, the poles are returned to the former carrier for movement to final destination. Southern Pacific has established incentive rates for this traffic, to encourage heavier shipments, which are spread over multi-car units. To accommodate such shipments Southern Pacific accumulates flat cars in the Oroville yard. As stated earlier, in order to avoid damage the cars in each unit must be space blocked prior to spotting for loading at the Koppers plant. The only practicable place for this operation, the trainmaster stated, is the yard area here under consideration. As many as five cars may be utilized to carry a single shipment of poles. If the Huntoon crossing is built, it will not be practicable to space block the longer units north of the crossing, because of insufficient length of trackage. Moreover, the witness said, space

^{4/} The parties agreed that it would be possible to extend the main track an additional distance of approximately 100 feet, the cost of which City is prepared to bear.

blocking would be impracticable south of the crossing because in that area there are only two tracks and these are needed for switching and the runaround operation.

The record indicates that the volume of traffic handled by Southern Pacific in recent years has increased; for instance, two years ago Koppers doubled the capacity of its plant, resulting in an increase of its shipments (inbound and outbound combined) from 449 carloads in 1965 to 1150 carloads in 1966. In addition to the carrier's usual traffic of various commodities in and out of Oroville, the witnesses cited special movements of substantial size, which were expected to develop in connection with forthcoming construction jobs in the area. The trainmaster expressed the opinion that if the Huntoon Street crossing were to be built, there would not be available trackage sufficient to handle the anticipated business.

Southern Pacific also introduced evidence designed to show that the Huntoon crossing would be more hazardous than the average grade crossing. Its public projects engineer in the signal department testified that there were two features which support this view, namely, (1) the acute angle at which the crossing would be made and (2) the curve in the road just before and on the crossing, which would divert the driver's attention from an approaching train. Moreover, if no automatic protection were provided the motorist would have to look over his shoulder to see an approaching train. A further hazard, the record discloses, lies in the fact that freight cars often stand on the nearest track while a locomotive is proceeding toward the crossing on the adjacent track, obscured by the intervening cars.

The engineer recommended that, if the Huntoon crossing is constructed, automatic protection in the form of an automatic gate be installed on the southerly side of the crossing.^{5/}

An engineer from the Commission's Transportation Division staff assisted in the development of the record.

At the hearing, counsel for Southern Pacific moved that the application herein be dismissed, on the grounds that (1) there has never been any resolution by City approving the project here under consideration or authorizing the filing of an application specifically seeking the authority sought by the application herein,^{6/} and (2) applicant has failed to show that the public convenience and necessity require the construction of the proposed crossing. The motion was taken under submission.

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- ^{5/} In view of the fact the City's project is for a couplet of two one-way streets, the signal engineer recommended that similar treatment be accorded the Lincoln Street crossing, that the present cross-buck signs be replaced by an automatic gate. In this connection, the record shows that for motorists approaching this crossing from the north the view of trains approaching from the south is severely obstructed by a large structure adjacent to the rights-of-way of both the railroad and the street.
- ^{6/} By Resolution No. 2242, dated February 11, 1963 (Exhibit 8) the City Council of Oroville approved the extension of Huntoon Street in a southwesterly direction "so as to intersect Lincoln Street in the vicinity of the S.P.R.R. tracks." By Resolution No. 2493, dated July 6, 1965, the council directed the institution of condemnation proceedings to acquire, for public street purposes, a portion of the Southern Pacific right-of-way, including that on which the tracks between Lincoln and the proposed Huntoon crossing are located. This latter action was preliminary to the filing, on November 10, 1965, of Application No. 48048, which was subsequently dismissed (See Footnote 1 herein). Resolution No. 2242 does not specify the exact route of the proposed extension of Huntoon Street. Its language is broad enough to include the possibility of a crossing of Southern Pacific tracks as proposed in the application herein. The first stated ground of the Southern Pacific motion appears to be without merit.

As hereinbefore stated, the application is motivated by the need, as the officials and citizens of Oroville see it, to revitalize the central business district of that city, and the relief sought constitutes one part of a comprehensive plan to improve access into and out of said district, and particularly to and from the municipal parking lots. The record shows a substantial amount of traffic on Lincoln Street. There is testimony to the effect that the portion of the street north of Mitchell Avenue is congested at certain times of the day. On the other hand, there is also testimony that Lincoln is not burdened with unreasonably heavy traffic.

The question of increasing traffic is also a matter of conflicting evidence. The city engineer pointed out that under the city's proposal, the present southbound traffic of Lincoln and Huntoon would be channeled into Lincoln, while the northbound traffic of both streets would be directed into Huntoon, and stated that there would be no increase in the traffic on Lincoln. Elsewhere, however, it was stated that the improvement in ease of access to the business district was expected to result in an increase of traffic to and from that section of Oroville over Lincoln and Huntoon.

Myers Street, which is the next street to the east of Huntoon, is about the same width as Lincoln, both being wider than Huntoon. For through traffic into and out of the city, Myers, from this standpoint, would be a more desirable component of the proposed couplet than would Huntoon. Myers also has direct access to the more southerly of the two city parking lots and near access to the other lot. As hereinbefore mentioned, it appears that it would be feasible to continue the proposed connection between Lincoln and

Huntoon beyond the proposed crossing to a connection with Myers, making that street one way for northbound traffic northerly from said connection. This would avoid the necessity of crossing Southern Pacific tracks since the road connecting Lincoln with Myers would lie entirely to the south of these tracks, and since Myers is located beyond their points of termination. Moreover, Myers is more suitable for a major traffic artery, the record shows, than is Huntoon. Additionally, the record shows that such extension to Myers could be accomplished without the necessity of removing any buildings or other structures.

The evidence adduced by Southern Pacific shows that construction of the proposed Huntoon crossing would have a seriously adverse affect on the carrier's operations in the terminal track area. The crossing would substantially reduce the capacity of the tracks in the face of increasing traffic, and would render impracticable the performance of some of the car service functions now conducted in said area. The record shows, moreover, that no other facilities are available, in either Oroville or its vicinity, which would be adequate for the performance of the carrier's terminal services. On the other hand, the showing made by City is insufficient to establish that public safety convenience and necessity require the construction of the proposed Huntoon Street crossing.

We find that:

1. Oroville is located at the end of the Oroville Branch of Southern Pacific.
2. The grade crossing for which authority is herein sought is to permit the establishment of a pair (or couplet) of one-way streets in Oroville, viz: Lincoln, southbound, and Huntoon, northbound. Huntoon lies one block to the east of Lincoln.

3. Such couplet requires an extension of Huntoon Street southerly across Southern Pacific tracks, thence parallel to said tracks to its connection with Lincoln Street.

4. The proposed couplet is part of a plan of the City of Oroville to improve access to its central business district, including access to the municipal parking lots.

5. The purpose of said plan is to revitalize the central business district.

6. The City of Oroville is willing to bear the cost of constructing the proposed crossing.

7. City is not prepared to bear the expense of installing any automatic crossing protection, since it deems such protection unnecessary.

8. The traffic on Lincoln is substantial, but not excessive.

9. Myers Street is a through street one block to the east of Huntoon and parallel to the latter.

10. Lincoln and Myers are of medium width, while Huntoon is narrower.

11. The proposed extension of Huntoon would cross three tracks of Southern Pacific which constitute the major part of the carrier's terminal area. This crossing would leave approximately 300 feet of track between it and the ends of the two larger tracks.

12. One freight train per day operates six days per week into and out of Oroville.

13. The tracks involved in the proposed crossing are all used (1) as team tracks for loading and unloading of cars, (2) for accumulation of cars prior to spotting for loading and for storage during the off-season, (3) for switching, and (4) for space blocking of flat cars prior to spotting for loading of power poles.

14. The proposed crossing would make it impracticable to space block the longer multiple-car units north of the crossing and space blocking would be impracticable south of the crossing because the two remaining tracks in that area are needed for switching and runaround.

15. The proposed crossing would reduce the capacity of the tracks for spotting and storing from 27 cars to 14 cars.

16. Southern Pacific traffic from and to Oroville has been increasing in recent years and is expected to continue to increase.

17. The present capacity of the tracks in question is required now and will be for the future.

18. The proposed crossing would seriously interfere with the efficiency of the carrier's services to its patrons and would render impracticable the performance of some of those services.

19. No other facilities of Southern Pacific are available in Oroville or its vicinity which would be adequate for the performance of the carrier's terminal services.

20. The integrity of the Southern Pacific track layout in its Oroville terminal area should not be impaired by the construction of a crossing at grade as proposed herein.

21. The proposed Huntoon Street crossing has not been shown to be justified.


We conclude that Application No. 48727 should be denied. In view of this conclusion, ruling on the motion of Southern Pacific to dismiss the application is academic.

O R D E R

IT IS ORDERED that Application No. 48727 is denied.

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

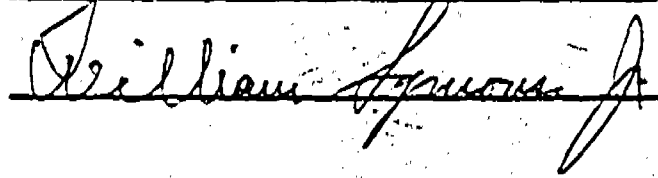
Dated at San Francisco, California, this 27th day of JUNE, 1967.



President







Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.