

ORIGINAL

Decision No. 79845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, safety, maintenance, use and protection or closing of grade crossings over The Atchison, Topeka and Santa Fe Railway Company's main line between MP's. 976.2 and 994.2 between the Town of Laton and the City of Fresno in Fresno County.

Case No. 9237
(Filed June 22, 1971)

Neal W. McCrory, Attorney at Law, for The Atchison, Topeka and Santa Fe Railway Company; and
Robert Earl White, Deputy County Counsel, for Fresno County, respondents.
William C. Bricca, Attorney at Law, John L. Carroll, and William E. Roe, for the Commission staff.

O P I N I O N

The case was instituted on the Commission's own motion into the status, safety, maintenance, use and protection or closing of grade crossings over The Atchison, Topeka and Santa Fe Railway Company's main line between MP's 976.2 and 994.2 between the Town of Laton and the City of Fresno in Fresno County.

Public hearing was held in Fresno on December 14, 1971 before Examiner Porter, and the matter was submitted.

Exhibit No. 1 presented by the Commission staff covers twenty-nine grade crossings between Laton and Fresno across The Atchison, Topeka and Santa Fe Railway Company's tracks. Crossings which are already protected with automatic gates and one spur track grade crossing were not considered for the purpose of the study (Exhibit No. 1) as the staff had no recommendations as to these crossings.

The staff in Exhibit No. 1 recommended that automatic gates be installed at fifteen grade crossings, the installation to take place between the dates of June 30, 1972 and June 30, 1975 and that five grade crossings be closed, with the closure date of June 30, 1972. As to one particular crossing, Springfield Avenue, the recommendation was that an irregular profile be eliminated by crossing alteration, and if it cannot be done then the crossing be closed to public use and traffic.

Without detailing the evidence regarding each crossing it is sufficient to point out that the railroad, County of Fresno, and the Commission staff are in agreement as to the need for these crossings to be protected or closed.

Based on the aforementioned facts, the Commission finds that the proposed protection and closing of the crossing set forth in this order will not be adverse to the public interest and concludes that public convenience, necessity and safety require that the crossings be protected or closed as set forth in this opinion.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is hereby ordered to perform the following work involving the crossings at grade here listed, within the time limits shown as follows:

The following main line grade crossings be provided with automatic gate protection controlled by adequate track circuits:

<u>Crossing No.</u>	<u>Street Name</u>	<u>Installation Date</u>
2-991.3	Lincoln Avenue	6-30-72
2-992.3	American Avenue	6-30-72
2-987.8*	Springfield Avenue	6-30-73
2-988.3	Manning Avenue	6-30-73
2-989.3	South Avenue	6-30-73
2-992.8	Malaga Avenue	6-30-73
2-985.2	Nebraska Avenue	6-30-74
2-985.8	Rose Avenue	6-30-74
2-986.2	Floral Avenue	6-30-74
2-979.6	Clovis Avenue	6-30-75
2-980.0	Elkhorn Avenue	6-30-75
2-981.0	Clarkson Avenue	6-30-75
2-981.4	Peach Avenue	6-30-75
2-982.1	Conejo Avenue	6-30-75
2-983.2	Kamm Avenue	6-30-75

The following crossings are to be closed:

<u>Crossing No.</u>	<u>Street Name</u>	<u>Closure Date</u>
2-978.9	Davis Avenue	6-30-72
2-982.8	Willow Avenue	6-30-72
2-987.2	Dinuba Avenue	6-30-72
2-989.8	Sumner Avenue	6-30-72
2-991.8	Jefferson Avenue	6-30-72

* Install two Standard No. 8 flashing light signals augmented with automatic gate arms. Railroad raise passing track sufficient amount to allow for new vertical alignment of crossing compatible with existing super-elevated main line track. County provide new approach grades to altered crossing not to exceed two percent in either direction. If the existing irregular vertical profile of this crossing cannot be eliminated, the crossing should then be abandoned and closed to public travel.

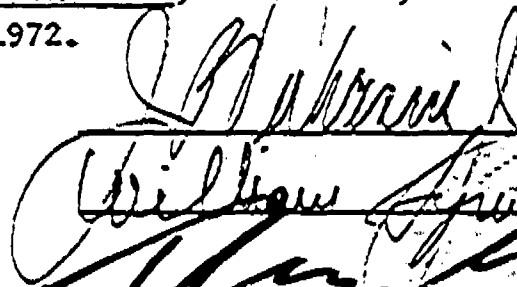


2. Crossings where the county and railroad have not reached previous agreement concerning apportionment of costs or where such costs are not otherwise apportioned, the cost of installing the recommended automatic protection should be apportioned 50 percent to the County of Fresno and 50 percent to The Atchison, Topeka and Santa Fe Railway Company.

3. The railroad should bear the cost of physically closing and removing the crossings so ordered. The cost of maintenance of the automatic protection installed pursuant to this proceeding should be apportioned 50 percent to the railroad and 50 percent to the county, pursuant to Section No. 1202.2 of the Public Utilities Code.

4. Within thirty days after completion of any of the projects authorized pursuant to this order, the railroad and or the county shall so advise the Commission in writing. 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 21st
day of MARCH, 1972.


Chairman

Herman L. Steinman

Commissioners