

Decision No. 83931**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the status, use,  
safety and need and/or abandonment  
of Robinson Feed Spur on the tracks  
of the Central California Traction  
Company in Lodi, San Joaquin County.

Case No. 9779  
(Filed August 20, 1974)

Harold S. Lentz, Attorney at Law, for Central  
California Traction Company, respondent.  
Mertz, Adams, Horstmann & Funke, by Herbert E.  
Horstmann, Attorney at Law, for Robinson  
Feed Company, protestant.  
Paul A. Burket, for the Commission staff.

### O P I N I O N

On April 5, 1974 the Central California Traction Company (respondent) requested authority to abandon a spur track known as Robinson Feed Spur located in Lodi, San Joaquin County. Public notice of the proposed abandonment was mailed and posted. The Robinson Feed Company protested and the respondent requested a hearing. This investigation was instituted on the Commission's own motion and a public hearing was held in Lodi on October 22, 1974 before Examiner Fraser. Robinson Feed Company and the respondent presented evidence. The staff representative assisted in developing the record.

Respondent is a railroad with 44.6 miles of main line track and a 1.5 mile branch line which serves Lodi. It is jointly owned by three other railroads, Southern Pacific Transportation Company (Southern Pacific), The Atchison, Topeka and Santa Fe Railroad Company (Santa Fe), and The Western Pacific Railroad Company (Western Pacific). All three of the parent railroads provide support under the terms of a mutual agreement. Western Pacific furnishes any required accounting or secretarial assistance, Santa Fe contributes mechanical and engineering knowledge, and Southern Pacific is responsible for legal aid.

Respondent's Lodi branch line is located in the middle of East Lodi Avenue, which is an important Lodi street for traffic moving east or west. The Robinson Feed Spur turns northwest off the branch line for 100 feet in a gradual curve, then straight for an additional 50 feet due north along a narrow corridor, approximately 19 feet wide between two buildings identified as the Robinson Feed Store (to the west) and the Robinson Feed Warehouse (to the east). The Lodi branch line extends 200 feet westerly past the Robinson Feed Spur and ends as a team track, which extends northerly for several hundred feet. The team track is about 200 feet west of the Robinson Feed Store.

Respondent provided testimony from three witnesses. In summary, their testimony revealed that the Robinson Feed Spur was installed prior to 1920; that it is serviced by an obsolete hand-operated switch, located in the middle of the street, which is worn out and must be replaced; that the switch and tracks have sunk slightly, resulting in the elevation of the pavement on each side of the rails and a rutted, uneven right-of-way for motor vehicles; and that the city of Lodi has suggested that the spur be either removed or rebuilt and the pavement repaired. The cost of replacing the

switch and spur is listed as \$16,221.50; to remove the spur will cost only \$3,115.73. Gross revenue from the use of the spur (15 cars) is \$267.45 for 1971, (15 cars) \$585.59 for 1972, (8 cars) \$422.90 for 1973, and (3 cars) \$54.91 during the period from January 1 to May 21, 1974. The income totals \$1,330.85 for the period covered and must be shared with other participating railroads. The spur is more than 50 years old and was built when freight cars were much shorter than they are today. Cars occasionally derail when pushed along the spur and require several hours of hard and unsafe labor to return them to the track. Cars more than 50 feet in length derail on the curve before they reach the spur. Cars as short as 40 feet have gone off the track on the curve. Most modern freight cars are longer than 50 feet and many have wheels further forward or to the rear than older models. Cars of recent construction cannot use the Robinson Feed Spur. If a car is placed on the spur between the two Robinson buildings it is difficult to retrieve. The extreme curve and impaired clearance have required that cars be towed out by a bar connected to the locomotive. A survey of manufacturers has revealed that the switch used on the spur is a type originally designed for trolley lines and is no longer made. Used models are no longer in stock and a new switch will have to be custom built at the convenience of the factory. Factory representatives advised they are far behind on regular orders, and it will take a minimum of 72 weeks from the date a new switch is ordered to the date it is delivered. An engineer will have to take measurements at the spur, design the switch, wait for prior orders to be filled, and then supervise construction if the necessary materials can be obtained.

A representative from the Robinson Feed Company testified that the feed store has been in the same location for 60 years and the rail spur for at least 30 years; that goods are stacked in the warehouse within a few feet of cars on the spur; and that if freight cars are parked on the team track, it will require each car to be unloaded, and the merchandise to be transported to the warehouse, and stacked, three separate operations which increase the cost of unloading the cars. The witness admitted trucks are used for most of the incoming material and for transportation from warehouse to consumer. He stated that rail service may be used to a greater extent in the future due to favorable rates and if the spur is removed it will never be replaced. He further stated that the Robinson Feed Company would not assume the cost of replacing the switch or repaving the street along the spur.

#### Discussion

This spur is not used enough to justify the cost of replacing it. A team track is within 200 feet of the feed store and is available to handle the occasional rail car consigned to the Robinson Feed Company. Obsolescence is a further justification for its removal. Modern freight cars are too long to negotiate the extreme curve of the spur without derailling or scraping one of the buildings served by the spur. The record reveals that replacing the spur would not change its extreme curve or impaired clearance. The sole benefit of a new switch and new or realigned track would be the removal of the bumps and depressions on East Lodi Avenue on each side of the spur. Respondent should be authorized to abandon the Robinson Feed Spur and remove the tracks and switch. East Lodi Avenue should be leveled and paved when the tracks are removed.

Findings

1. Respondent applied to abandon and remove the Robinson Feed Spur which extends off a branch line in the city of Lodi.

2. Robinson Feed Company opposed the removal, and this investigation was instituted to encourage all interested parties to present evidence and argument during a public hearing, which was held on October 22, 1974 in Lodi.

3. The spur serves only the Robinson Feed Company warehouse and store. It is at least 50 years old and is controlled by an obsolete trolley-line switch, which has not been manufactured for several decades.

4. The curve of the track was designed when freight cars were narrow and much shorter than those presently in service. Modern cars occasionally derail while moving on the spur and have no clearance when positioned at the feed store.

5. Obsolescence and wear require that the spur be replaced or removed. The extreme curve would remain if the rails are replaced and cars would still slide off the track.

6. A replacement for the switch would be custom built at great expense, with an estimated 18-month delay from the date ordered for installation.

7. The spur handled 15 freight cars in 1971, 15 in 1972, 8 in 1973, and 3 cars during the first five months of 1974. Most of the Robinson Feed Company's transportation is handled by truck.

8. The cost of replacing the spur will now exceed the original estimate of \$16,221.50 by at least 10 percent. Robinson Feed Company has refused to contribute to the cost of replacing the spur. Removal cost is budgeted at \$3,115.73.

9. The street has raised along the tracks and is depressed in the area of the switch. The Public Works director of the city of Lodi has requested that repairs be made by the respondent.

10. The spur should be removed. The public team track is within 200 feet of the Robinson Feed Company and should provide an adequate substitute for the spur.

We conclude that the request for authority to remove the spur should be granted.

#### O R D E R

IT IS ORDERED that:

1. The Central California Traction Company is authorized to abandon and remove the Robinson Feed Spur in the city of Lodi.

2. The cost of removing the spur shall be borne by the Central California Traction Company.

3. The Commission will be advised within thirty days after the removal of the spur.

4. This authorization shall expire if not exercised within twelve months of the date of this order.

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

Dated at San Francisco, California, this 30<sup>th</sup>  
day of DECEMBER, 1974.

Vernon L. Stinger  
President  
William Symons  
Thomas Moran  
Robert E. McDavid  
Commissioners