

ORIGINAL

Decision No. 84103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Fresno for a
Public Grade Crossing at Marks Avenue,
an 84 foot major street, over the
Atchison, Topeka and Santa Fe Railway
Company Line in the City of Fresno,
County of Fresno.

Application No. 54237
(Filed August 13, 1973;
amended September 17, 1973)

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for applicant.
Neal W. McCrory, Attorney at Law,
and Jeffrey J. Lyon, for The
Atchison, Topeka and Santa Fe
Railway Company, interested party.
James T. Quinn, Attorney at Law, for
the Commission staff.

O P I N I O N

By this application, the city of Fresno (City) seeks an order authorizing the construction at grade of Marks Avenue over the tracks of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe).

Public hearings on the application were held in Fresno on December 17 and 18, 1973, and in Los Angeles on January 25, 1974 before Examiner Mattson. The matter was submitted subject to the filing of final briefs on or before July 3, 1974. The matter is ready for decision.

For purposes of our discussion, we have attached a diagram (Appendix A) to this decision. Appendix A appears in evidence as an attachment to Exhibit 11, the staff report on this

application. While Appendix A is attached for reference in our discussion, we recognize that Exhibit 3, presented on behalf of City, sets forth the present and pending development of property in the area of the proposed grade crossing.

The proposed crossing is located in the northwesterly portion of City. The railroad track of Santa Fe at the area of the proposed grade crossing consists of the single main line and a siding track. The siding track extends across existing grade crossings at Shaw Avenue on the southeasterly side (Crossing No. 2-1004.2) and Bullard Avenue (Crossing No. 2-1005.8) on the northwest. Santa Fe has unobstructed siding trackage of approximately 8,500 feet from Shaw Avenue to Bullard Avenue. The proposed grade crossing at Marks Avenue is approximately 1,100 feet northwesterly of the existing Shaw Avenue grade crossing.

Marks Avenue extends approximately two miles north from the proposed grade crossing and terminates at Herndon. Southerly of the proposed grade crossings Marks intersects Weber, a street approximately two miles southerly of the proposed grade crossing. Weber proceeds southeasterly from its intersection with Marks. City intends to improve the streets (Marks and Weber) to provide an improved arterial route for traffic. The railroad opposes the proposed grade crossing. The Transportation Division of the Commission staff also recommends that the proposed grade crossing be denied.

Applicant's Contentions

City contends that the proposed grade crossing at Marks Avenue is needed to create direct access between the areas north and south of the existing railroad line. City contends that the existing access for traffic northbound or southbound at Marks Avenue in the area of the proposed grade crossing is circuitous or restrictive. Since Marks Avenue does not cross the railroad at the proposed

grade crossing location, traffic desiring to cross the railroad tracks at Marks Avenue must use Santa Fe Avenue, a street northerly of and paralleling the existing railroad tracks. Santa Fe Avenue extends from Shaw Avenue northwest to Marks Avenue. Since Shaw Avenue carries east and westbound traffic across the railroad at grade, traffic desiring to continue on Marks Avenue travels easterly from Marks Avenue to the Santa Fe-Shaw Avenue grade crossing and then westerly back to Marks Avenue.

The average daily traffic on Shaw Avenue at Marks Avenue is approximately 12,000. There are no traffic signals for vehicular traffic at the Shaw-Santa Fe intersection or the Shaw-Marks street intersection other than automatic crossing protection at the Shaw Avenue grade crossing. City desires to eliminate the restrictive north-south route for Marks Avenue traffic. City's traffic engineer testified that it was his recommendation that Marks Avenue be developed as a major or arterial street with an 84-foot right-of-way. This proposal is consistent with the circulation element of City's general plan set forth in Exhibit 2 in this proceeding.

City introduced testimony of their fire chief that the response time for emergency vehicles would be reduced by the proposed street pattern. To reach areas north of the railroad tracks, emergency fire vehicles must proceed easterly to utilize the Santa Fe access route to North Marks Avenue. The fire department intends to provide fire protection to subdivisions on Marks Avenue north of the railroad from a fire station to be constructed at North Marks Avenue south of Shaw Avenue. The proposed crossing will decrease response time to Marks Avenue north of the railroad by 30 seconds.

City also contends that future traffic requirements will be created by new construction on either side of Marks Avenue north of the proposed grade crossing. Exhibit 3 was introduced by City and shows the existing subdivisions in the area. City's witnesses testified that the projected use of the proposed crossing would be 3,500 vehicles per day assuming all the currently approved subdivisions are fully developed. The present traffic count indicated that Santa Fe Avenue presently carries 700 to 800 vehicles per day and Marks Avenue, south of Shaw Avenue, presently carries 600 vehicles per day.

City recognizes that a grade separation would be more desirable than a grade crossing. However, funds are not available to construct a separation at the proposed location. Numerous grade crossings in the city would have a higher priority were funds available for separations. City points out that there are many existing grade crossings in the city, and that automatic crossing protection has substantially reduced the accidents which occur at grade crossings.

Santa Fe's Contentions

The fundamental claim of Santa Fe is that there is no public need for the proposed grade crossing, based upon the lack of traffic volumes on Santa Fe Avenue at the present time and the availability of Santa Fe Avenue as an alternative route. The contention is that the 30-second delay to fire department emergency vehicles is not substantial, and that Marks Avenue would be blocked to emergency vehicle use when the siding was occupied by a train.

Santa Fe contends that the present siding has approximately 8,000 feet of usable unobstructed trackage, and that the proposed Marks Avenue crossing would have a substantial adverse effect on railroad operations. A witness on behalf of Santa Fe contended that the usable unobstructed siding would be 6,600 feet after construction of a Marks Avenue grade crossing. The testimony was that one-quarter to one-half of the trains that utilize the siding could no longer use the siding without blocking Marks Avenue for extended periods of time.

Santa Fe additionally contends that a new crossing at grade on the main line track would be dangerous. Fifteen to 20 daily movements occur over the main line track and the maximum speed on the main line track is 70 miles per hour.

The Staff Position

The staff witness stated that present vehicular traffic can conveniently cross the tracks at the existing Shaw Avenue grade crossing. The staff also contends that if the crossing were constructed at Marks Avenue, motor vehicle traffic would be subject to delays because the crossing would be blocked by standing trains on the siding for long periods of time. The staff witness concluded that any crossing at Marks Avenue should be at separated grades in order to eliminate costly delays for vehicles and trains at the crossing and to preclude the possibility of fatalities, injuries, and property damage from vehicle-train collisions. The staff recommended denial of the application.

Discussion

The evidence establishes, consistent with the showing of the City's witnesses, that the northwest area of City is being more

intensely developed. The subdivisions north of the railroad tracks in the vicinity of Marks Avenue will certainly generate additional vehicular traffic in the future. Moreover, it is reasonable to conclude that Marks Avenue, southerly of the proposed grade crossing, will be improved as a major arterial street consistent with the general plan.

The assumption that Marks Avenue south of the proposed crossing will be an arterial street in the future does not establish a need for a Marks Avenue crossing. Public need for the proposed crossing will be determined by the need for public access to the area north of the railroad. City's estimate of anticipated traffic over the proposed crossing is 3,500 vehicles per day, assuming all the currently approved subdivisions north of the railroad are fully developed. The present Santa Fe Avenue traffic volumes are 700 to 800 vehicles per day.

The staff witness stated that the staff discourages new grade crossings of main line tracks. It is a recognized fact that grade crossings of main lines where trains may be operating at high speeds constitutes a substantial hazard to public health and safety. Millions of dollars are expended annually in the State of California in order to separate existing grade crossings. (See California Streets & Highways Code, Section 190.) The staff has repeatedly stressed that if new crossings are required, they should be constructed at separated grades. (See City of Azusa (1968) 62 CPUC 182 at 189; County of Sacramento (1964) 62 CPUC 148 at 150.)

The preceding considerations place a heavy burden on a public agency that desires to construct a new grade crossing over railroad main line trackage. That burden is not met on the facts of the present proceeding. There is an existing grade crossing easterly of the proposed Marks Avenue crossing. It does

create a circuitous route for vehicular travel, but it adds less than 1,400 feet of additional travel requirements. Moreover, we agree with the staff contention that improvement of the existing Shaw Avenue crossing can improve the available route via Santa Fe Avenue for the north and southbound Marks Avenue traffic which must cross the existing railroad.

The evidence does not indicate that the traffic anticipated at the present time cannot be accommodated within the existing crossings now available. At the time of hearing, the traffic traveling northerly to Marks Avenue north of the track on Santa Fe Avenue carried 700 to 800 vehicles per day. Traffic on Marks Avenue south of Shaw Avenue, the area south of the proposed crossing, was 1,600 vehicles per day. We recognize the evidence presented by City establishes that Marks Avenue south of the proposed grade crossing will be improved and can be anticipated to carry larger traffic volumes in the future. However, the grade crossing will be needed only to the extent that Marks Avenue traffic desires to continue into areas north of the proposed crossing. That traffic volume appears to be estimated to be 3,500 vehicles per day at the proposed crossing. The evidence does not establish that the existing streets, if improved, will be inadequate to meet the anticipated traffic.

Santa Fe introduced Exhibit 9, which shows that if the Marks Avenue crossing is authorized, the siding track between Marks and Bullard Avenues would contain 6,600 feet of usable siding, based upon the proposition that the train of the siding must clear track circuits at both street crossings or the gates would remain down and the crossings would be blocked. Exhibit 10, also introduced by Santa Fe, shows a distance of 7,213 feet from Bullard Avenue to the proposed Marks Avenue

crossing. We note that the witness, on behalf of Santa Fe, testified that the trains on the siding should clear the crossings by 100 to 150 feet for the gate to remain open.

We find that the railroad operations do require substantial use of the existing siding track which crosses the proposed Marks Avenue grade crossing. However, we cannot conclude that present use of the siding track would be substantially adversely affected by the proposed grade crossing. The actual length of available siding trackage would remain the same. The basic question is whether the railroad could place a train on the siding trackage without obstructing the proposed grade crossing. The evidence of the staff, based upon a 20-day sample of the dispatcher's train records, shows only one instance where trains on the siding would clearly block the proposed crossing. On that occasion two trains were placed on the existing siding track.

We do recognize that railroad operations would be affected by the necessity of stopping without obstructing the proposed grade crossing, which would require more attention to approach speeds and clearances. Moreover, it is undoubtedly correct that it is a convenience to railroad operations to have siding tracks available without the possibility of blocking grade crossings. An additional problem in railroad operations is the fact that the railroad does not, in fact, determine the actual length of a train utilizing a siding track, but approximations or estimates are made of train lengths based upon the number and type of cars in a train. Estimates of train lengths appear to be substantially higher than the probable lengths. This practice appears necessary to be certain that the siding track is long enough to accommodate a stopped train in a meeting

or passing situation with a main line train. However, that factor is not present in our case. The problem is limited to the question of whether the proposed grade crossing would be blocked for an unduly long period of time.

An additional question regarding the operation of the railroad on the effect of blocking the crossing on vehicular safety is based upon the staff contention that north-bound vehicular traffic would back up from the blockage of the siding track at North Marks Avenue, that such blockage could cause vehicular traffic to back up on Marks Avenue south of the proposed track grade crossing and extend across Shaw Avenue. The contention is that the Shaw Avenue-Marks Avenue intersection could become blocked and the Shaw Avenue traffic could back up across the railroad at Shaw Avenue. Such a possibility appears too remote to be a substantial factor in this proceeding.

Findings

1. City intends to develop Marks Avenue in the city as an arterial street from Weber Avenue northerly. Approximately two miles north of Weber Avenue the continuity of Marks Avenue is broken at the tracks of Santa Fe. City requests authority to construct Marks Avenue across Santa Fe's tracks at grade. Marks Avenue extends northerly of the proposed crossing for approximately two miles to Herndon Avenue.

2. At the proposed crossing Santa Fe operates and maintains two tracks. One is a main line track with a speed limit of 70 miles per hour and 15 to 20 trains operate over the track daily. The second track is a siding track and is used one to four times a day.

3. The siding track and the main line track cross the two nearest crossings at grade. Southeasterly is Shaw Avenue, Crossing No. 2-1004.2, and northwesterly is Bullard Avenue, Crossing No. 2-1005.2. The siding has approximately 3,500 feet of unobstructed trackage. The proposed Marks Avenue grade crossing would be approximately 1,100 feet northwesterly of the Shaw Avenue crossing. Approximately 7,000 feet of unobstructed siding trackage would be available from the proposed crossing to the Bullard Avenue crossing after an allowance for clearance of track circuits. The present use of the siding is by trains shorter than 7,000 feet, although it is possible that use of the siding would, on infrequent occasions, necessarily extend across the Marks Avenue crossing.

4. The present street pattern in the area of the proposed crossing is set forth in Appendix A attached. The nearest crossing for Marks Avenue vehicular traffic is at Shaw Avenue east of Marks Avenue. The existing streets are Santa Fe Avenue (connecting Marks Avenue and Shaw Avenue), and Shaw Avenue (connecting Marks Avenue to Santa Fe Avenue). This route is circuitous for Marks Avenue traffic in that it is approximately 1,300 feet longer than a route directly crossing the railroad at Marks Avenue.

5. The present grade crossing at Shaw Avenue includes the street intersection with Santa Fe Avenue. The average daily traffic (ADT) on Santa Fe Avenue is 700 to 800 vehicles. The ADT on Shaw Avenue is 12,000. The ADT on Marks Avenue, south of Shaw Avenue, is 1,600. The anticipated ADT at the proposed Marks Avenue crossing would be 3,500 after full development of presently approved subdivisions northerly of the railroad tracks.

6. The present and anticipated traffic requirements for the area north of the proposed crossing are met by the existing streets and the available crossing. City can improve the Shaw Avenue-Santa Fe Avenue intersections to accommodate future traffic.

7. The proposed grade crossing at Marks Avenue would be within one-quarter of a mile from the existing Shaw Avenue crossing. Two grade crossings at the tracks involved would increase the potential for serious accidents. It is unlikely that funds would be available to construct grade separation structures at two such grade crossings in the foreseeable future.

8. Public safety requires that crossings be at separated grades at railroad main line tracks whenever possible. New crossings of main line tracks must be based upon a showing that public convenience and necessity require such crossing. The evidence does not establish that the public safety, convenience, and necessity now require the proposed grade crossing.

O R D E R

IT IS ORDERED that the request for authority to open Marks Avenue across The Atchison, Topeka and Santa Fe Railway Company tracks in the city of Fresno is denied.

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

Dated at San Francisco, California, this 19th
day of FEBRUARY, 1975.

Vernon L. Spurgeon
President

William J. Moore

Barbara

Leonard Ross
Commissioners

APPENDIX "A"

VICINITY MAP-CITY OF FRESNO

APPLICATION NO. 54237

PROPOSED MARKS AVENUE

GRADE CROSSING

SCALE IN FEET

