

Decision No. 24643.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Motor Carriers Association for installation of "Exemption Signs" at spur railroad tracks where motor vehicles carrying passengers for hire need not stop in accordance with Section 135, California Vehicle Act.

Application No. 17820

In the Matter of the Application of Motor Carriers Association for installation of "Exemption Signs" at spur railroad tracks where motor vehicles carrying passengers for hire need not stop, in accordance with Section 135, California Vehicle Act.

Application No. 17895

In the Matter of the Application of Motor Carriers Association for installation of "Exemption Signs" at spur railroad tracks where motor vehicles carrying passengers for hire need not stop, in accordance with Section 135, California Vehicle Act.

Application No. 17975

- H. C. Lucas and T. Finkbohner, for Applicant;
- Robert Brennan and Wm. F. Brooks, for The Atchison, Topeka and Santa Fe Railway Company, Protestant;
- Frank Karr and R. E. Wedekind, for Pacific Electric Railway Company, Protestants;
- E. E. Bennett, for Los Angeles and Salt Lake Railroad, Protestants;
- L. N. Bradshaw, for The Western Pacific Railroad Company, Sacramento Northern Railway, and Tidewater Southern Railway, Protestants;
- H. W. Hobbs, for Southern Pacific Company, Northwestern Pacific Railroad Company, Petaluma & Santa Rosa Railroad Company, Central California Traction Company, and Visalia Electric Railway Company, Protestants.

SEAVEY, COMMISSIONER:

O P I N I O N

In the above numbered applications the Motor Carriers Association, representing the certificated passenger automotive

stage lines, requests approval, pursuant to the provisions of Section 135 of the California Vehicle Act, effective August 14, 1931, to erect and maintain distinctive signs, hereinafter referred to as "exempt signs," at certain track crossings at grade with public highways and streets in the State of California.

A public hearing was held on these matters at San Francisco on February 26, 1932, at which time it was stipulated by the parties that the three applications be consolidated for hearing and decision.

In these proceedings applicant requests permission to erect and maintain "exempt signs" at 183 grade crossings in the State. In support of the applications, it was contended that exemption from stopping at these selected crossings would facilitate stage movements along the highway with no undue increase in the hazard to applicant's operations, its patrons or to the railroads; furthermore, it was contended that the elimination of stops should reduce the number of rear-end collisions. Applicant's Exhibit No. 2 shows that during the year 1931, Pacific Greyhound Stages had 14 rear-end accidents in the State of California directly attributable to the stopping of busses at grade crossings. These accidents resulted in injury to 16 persons, damage to busses amounting to \$185. and damage to other vehicles in the amount of \$580.

Section 135 of the Motor Vehicle Act among other things, provides that motor vehicles carrying passengers for hire shall not be required to stop at spur track crossings where, with the approval of the Railroad Commission, "distinctive signs" are displayed indicating that no stop need be made unless a train is approaching.

A considerable number of the grade crossings included in these applications involve other than spur tracks. For the purpose of these proceedings, a spur track is considered as one with a single connection to a main, branch, or other track, and usually is a short industrial track diverting from a main track. All crossings applied for, which involve a track connected with a main or other operating track at more than one point, will be automatically eliminated, since they do not come within the scope for consideration.

An inspection of all the crossings involved in these proceedings was made by one of the Commission's engineers and, as a result, a report was prepared and introduced as Exhibit No. 3. This report shows the physical characteristics at each of the crossings as well as the traffic, both railroad and highway, with particular reference to the bus movements. Contained in the report is the engineer's recommendations as to the Commission's approval to establish "exempt signs" in each case.

It was brought out at the hearing that at some locations, where the spur track in question is located near other track crossings, an improper indication might be taken from the "exempt signs," in that the bus operator might assume he had the authority to cross adjacent main and branch line tracks without stopping. As to the other locations, the testimony indicated that, except as to the position taken by the railroads, there was no objection to the granting of applicant's request to have "exempt signs" maintained.

The rail carriers entering appearances at the hearing objected to the establishment of "exempt signs" at any location which would constitute authority for motor vehicles carrying passengers for hire to cross spur tracks without stopping, on the ground that this practice would tend to increase the hazard and also

increase the potential liability to the rail carriers in case of accident.

After considering the evidence presented in this proceeding, I am convinced that approval to establish "exempt signs" should be granted only for locations where a clear showing has been made that the resulting operation will not effect a perceptible increase in the hazard to any class of traffic. Extreme care should be exercised, especially at the beginning of the application of this law, in passing upon each crossing involved, and, to be on the side of safety, doubtful cases should be denied.

It is recommended that applicant be granted authority to install "exempt signs" at the crossings enumerated in Exhibit "A" attached hereto.

O R D E R

A public hearing having been held on these proceedings, the matters having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the Railroad Commission of the State of California approve the plan to install and maintain "distinctive or exempt signs," in accordance with Section 135 of the California Vehicle Act, at certain spur track crossings in the State of California, particularly described in Exhibit "A" attached hereto, subject, however, to the following conditions and not otherwise:

- (1) Said "exempt signs" shall be in accordance with the requirements of General Order No. 89.
- (2) Said "exempt signs" shall be erected, or cause to be erected, and maintained by those authorities designated and empowered by the California Vehicle Act to erect and maintain highway traffic signs.

- (3) The approval herein granted does not exempt the operator of any vehicle from the observance of any provision of the California Vehicle Act pertaining to the operation of vehicles at railroad crossings.
- (4) In the event of removal, for any cause whatsoever, or obstruction to view of the "exempt signs" herein provided, the authority granted to move over such spur track crossing, without first coming to a full and complete stop, is annulled and revoked and such full and complete stop must, at all times, be made by the operator of the vehicle until such sign is again displayed.
- (5) The Commission reserves the right to make such further orders, relative to the establishment of "exempt signs" at said crossings, as to it may seem right and proper and to revoke its approval if, in its judgment, public convenience and necessity demand such action.

IT IS HEREBY FURTHER ORDERED that the Railroad Commission of the State of California hereby denies the application seeking its approval to erect and maintain "distinctive or exempt signs" at all crossings applied for which are not shown on Exhibit "A" attached hereto.

The foregoing Opinion and Order is hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 4th day of April, 1932.

C. W. Denny
Leon C. Denny
W. J. Denny
W. B. Denny
Fred G. Denny
 Commissioners.

EXHIBIT "A"

List of Grade Crossings Between Spur Tracks and Public Highways Where the Commission Has Given Its Approval to Erect and Maintain "Exempt Signs" in Accordance with the Provisions of Section 135 of the California Vehicle Act

Application No. 17820

COMMON CARRIER RAILROAD SPUR TRACK CROSSINGS

Appli- : cant's : Item No.:	Crossing No.:	Railroad :	Highway :	Jurisdiction : of :	Location :
24	E-5.5-C	S.P.Co.	State	P.C.&E.Spur, Bay Shore Highway, San Mateo Co.	
25	E-36.2-C	S.P.Co.	Santa Clara Co.	Mintern Lbr. Spur, Front St., Mt.View.	
28	E-64.8-C	S.P.Co.	State	Pac.Coast Aggregates Spur, Coyote, Santa Clara Co.	
29	E-79.1-C	S.P.Co.	State	Standard Oil Spur, Lomoke, Santa Clara Co.	
39	E-164.1-C	S.P.Co.	State	Shell Oil Spur, Kings City, Monterey Co.	
32	EC-79.15-C	S.P.Co.	Santa Cruz	Lumber yard spurs, Washington St.	
36	EE-124.3-C	S.P.Co.	Monterey Co.	Standard Oil Spur, Retreat.	
26	EM-4.1-C	S.P.Co.	San Francisco	Ray Burner Co. Spur, San Jose Ave.	
33	LC-73.2-C	S.P.Co.	Santa Cruz Co.	Lime Plant Spur, Felton.	
16	B-465.1-C	S.P.Co.	Los Angeles	Cons.Rock Spur, San Fernando Rd., Wahoosta.	
15	B-475.3-C	S.P.Co.	Glendale	Standard Oil Spur, San Fernando Rd.	
14	B-479.3-C	S.P.Co.	Glendale	Taylor Milling Spur, San Fernando Rd.	
13	B-480.3-C	S.P.Co.	Glendale	Mathews Point Spur, San Fernando Rd.	
17	EE-446.7-C	S.P.Co.	State	So.Cal.Edison Spur, near Castaic Sta., Los Angeles Co.	
41	E-371.0-C	S.P.Co.	Santa Barbara	Building Material Spurs, Montecito St.	
20	E-407.8-C	S.P.Co.	Oxnard	So. Cal. Edison Spur, 5th St.	
10	2E-17.3-C	A.T.&S.Fe.	San Diego Co.	Tail Track, Fallbrook.	
6	GE-31.21-C	Pac.Elec.	Orange Co.	Standard Oil Spur, Ocean Ave., Huntington Beach.	
3	6MA-21.35-C	Pac.Elec.	Los Angeles	Union Oil Spur, San Pedro Rd., San Pedro.	
2	6MA-21.58-C	Pac.Elec.	Los Angeles	Western Ref. Spur, San Pedro Rd., San Pedro	
43	5-16.6-C	N.W.P.R.R.	State	Fuel Spur, Nr. San Rafael, Marin Co.	
44	5-16.65-C	N.W.P.R.R.	State	Cheda Spur, Nr. San Rafael, Marin Co.	
46	5-260.2-C	N.W.P.R.R.	State	Dodge Lumber Co. Spur, Dinamore, Humboldt Co.	
48	5-297.4-C	N.W.P.R.R.	State	Unused Spur, Essex, Humboldt Co.	
42	5C-8.3-C	N.W.P.R.R.	State	Distillery Spur, Waldo, Marin Co.	

NON-COMMON CARRIER RAILROAD SPUR TRACK CROSSINGS

4	-	L.A.Flood) Los Angeles Co.	L.Pch.Elvd., W.bnk.L.A.River (Mark "LAFCD-4")
5	-	Control Dist.)	Los Angeles Co.	L.Pch.Elvd., E.bnk.L.A.River (Mark "LAFCD-5")

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Application No. 17895

Appl- : :cant's : :Item No. :	Crossing No.:	Railroad :	Highway :	Location :
<u>COMMON CARRIER RAILROAD SPUR TRACK CROSSINGS</u>				
98	AA-44.8-C	S.P.Co.	Solano Co.	Earl Fruit Spur, Cordelia.
99	AA-44.9-C	S.P.Co.	Solano Co.	Winery Spur, Cordelia.
100	AA-46.5-C	S.P.Co.	Solano Co.	Quarry Spurs, Thomasson.
119	AB-59.6-C	S.P.Co.	Napa Co.	Winery Spur, Rutherford.
118	AB-63.1-C	S.P.Co.	St.Helena	Corral Spur, So.of St. Helena, Napa Co.
139	B-40.8-C	S.P.Co.	Contra Costa Co.	Ship Yard Spur, Nr. Bay Point.
140	B-41.4-C	S.P.Co.	ContraCostaCo.	Smith Lbr. Spur, near Bay Point.
141	B-41.5-C	S.P.Co.	ContraCostaCo.	Metal Reduction Spur, Nr. Bay Point.
125	B-165.9-C	S.P.Co.	State	Winery Spur, Serra Vista, Madera Co.
126	B-168.05-C	S.P.Co.	State	Cardwell Spur, Chowchilla, Madera Co.
120	BA-107.6-C	S.P.Co.	Patterson	Mineral Products Spur, West Side Highway.
128	BA-113.6-C	S.P.Co.	Stanislaus Co.	Lumber Yard Spur, Crows Landing.
83	D-71.6-C	S.P.Co.	State	Sugar Mill Spur, East of Tracy.
92	D-93.0-C	S.P.Co.	Stockton	Cedar Products Spur, Borden Highway
129	B-225.0-C	S.P.Co.	Kingsburg	Union Oil Spur, Kingsburg, Fresno Co.
132	B-251.6-C	S.P.Co.	State	Associated Oil Spur, Burling, Tulare Co.
133	B-287.4-C	S.P.Co.	State	A.P.L.Spur, McFarland, Kern.Co.
135	BC-270.9-C	S.P.Co.	Tulare Co.	Packing House Spur, Zamite.
101	A-107.8-C	S.P.Co.	State	Oil Spur, East of Roseville, Placer Co.
102	A-110.7-C	S.P.Co.	State	Quarry Spur, Rocklyn, Placer Co.
108	AE-84.77-C	S.P.Co.	Woodland	Pacific Car Bldrs. Spur.
109	AE-84.9-C	S.P.Co.	Woodland	Diamond Match Spur.
107	C-209.3-C	S.P.Co.	State	Standard Oil Spur, Los Molinos, Tehama Co.
106	C-214.8-C	S.P.Co.	Tehama Co.	Alfalfa Mill Spur, Gerber.
111	C-247.6-C	S.P.Co.	State	Kelly Lbr. Co. Spur, Anderson, Shasta Co.
112	C-256.6-C	S.P.Co.	State	Texas Oil Spur, So. of Redding, Shasta Co.
113	C-315.9-C	S.P.Co.	State	Castle Crag Lbr. Spur, Dirigo, Shasta Co.
55	3-6.88-C	L.A.&S.L.	Los Angeles Co.	Willard Battery Spurs, E. 9th St.
72	4-9.4-C	W.P.R.R.	Oakland	Montgomery Ward Spurs, E. 12th St.
52	6W-6.52-C	Pac.Elec.	Riverside	Station Spur, Magnolia Ave., Arlington.
53	6W-5.40-C	Pac.Elec.	Riverside	Indian School Spur, Magnolia Ave.
94	61-3.5-C	Cent.Cal. Tr.	State	El Pinal Spur, near Stockton.
116	75-15.4-C	Tide. Sou.	SanJoaquin Co.	Alba Spur, Alba Sta.
<u>NON-COMMON CARRIER RAILROAD SPUR TRACK CROSSINGS</u>				
66	-	State Belt	San Francisco	Spur, Howard & Spear Sts.(Mark "SBR-66")
59	-	L.A. Flood)	Los Angeles Co.	Olive & Atlantic, West side L.A. River (Mark "LAFCD-59")
60	-	Control) Dist.)	Los Angeles Co.	Olive & Atlantic, East side L.A. River (Mark "LAFCD-60")

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List of Grade Crossings Between Spur Tracks and Public Highways Where the Commission Has Given Its Approval to Erect and Maintain "Exempt Signs" in Accordance with the Provisions of Section 135 of the California Vehicle Act

Application No. 17975

:Appl1- :	:	:	Jurisdiction :	:
:cant's :	:	:	of :	:
:Item No.:	Crossing No.:	Railroad :	Highway :	Location :

COMMON CARRIER RAILROAD SPUR TRACK CROSSINGS

168	A-98.2-C	S.P.Co.	Yolo Co.	Harriot St. Spur, 5th St., Broderick.
169	AB-62.1-C	S.P.Co.	Napa Co.	Winery Spur, Thomann.
165	AB-57.3-C	S.P.Co.	Napa Co.	Winery Spur, Oakville.
159	B-114.3-C	S.P.Co.	State	Packing House Spur, South of Modesto.
160	B-125.3-C	S.P.Co.	State	Standard Oil Spur, Turlock.
171	B-183.5-C	S.P.Co.	Madera	Italian Swiss Colony Spur, Madera, Madera Co.
150	BA-119.1-C	S.P.Co.	Newman	Union Oil Spur, Westside Highway.
149	BA-123.4-C	S.P.Co.	Gustine	Cal. Milk Prod. Spur, 4th & North Sts.
148	BA-140.0-C	S.P.Co.	Merced Co.	Union Oil Spur, west side highway, Los Banos.
152	DE-13.9-C	S.P.Co.	Oakland	Dead Spur, 105th Ave., Oakland.
176	B-221.05-C	S.P.Co.	Selma	Packing House Spur, Selma, Fresno Co.
177	B-225.4-C	S.P.Co.	Kingsburg	Industry Spur, Kingsburg, Fresno Co.
182	ED-1.08-C	S.P.Co.	San Francisco	Warehouse Spur, Harrison & Beale Sts.
178	2-972.5-C	A.T.&S.Fe	Kings Co.	Lucerne Spur, near Shirley Sta.
153	4-12.8-C	W.P.R.R.	Oakland	C.P.C. Spur, Russett St.
154	4-12.7-C	W.P.R.R.	Oakland	C.P.C. Spur, Russett St.
166	70-33.0	S.F.N.&C. Ry.	St.Helena	Freight House Spur Only, St. Helena.
156	75-29.05-C	Tide. So.	Modesto	Junk Yard Spur, 9th St., Modesto.
157	75-29.25-C	Tide. So.	Modesto	Ice House Spur, 9th St., Modesto.
155	75B-5.1-C	Tide. So.	Manteca	Warehouse Spur.
180	8B-16.6-C	Sacto.No.	Woodland	Rice Mills Spur, Main St.
181	8B-16.75	Sacto.No.	Woodland	Lumber Yard Spur Only, Main St.
184	25-1.63-C	L.A.Jct.Ry.	Vernon	Spur #1, Soto St.
185	3A-5.55-C	L.A.&S.L.	Vernon	Spur #79, Soto St.