

Decision No. 25551.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the people of the State of California, on relation of the Department of Public Works, for an order authorizing the construction of a State highway crossing at grade across the tracks of the Hanford-Coalinga Branch of the Southern Pacific Railroad near Goshen Junction, Tulare County, California.

Application No. 18024.

ORIGINAL

In the Matter of the Application of the people of the State of California on relation of the Department of Public Works, for an order authorizing the construction of a crossing at Separated grades of the State highway and the tracks of the Southern Pacific Railroad, near Goshen, Tulare County, California.

Application No. 18101.

Frank B. Durkee, for Applicant.

W. B. McKesson, Deputy County Counsel, for the County of Los Angeles.

F. M. Pfrimmer, Member of the Board of Supervisors, for County of Tulare.

R. W. Pontius, for Visalia Chamber of Commerce.

E. J. Foulds and H. W. Hobbs, for Southern Pacific Company.

SEAVEY, COMMISSIONER:

O P I N I O N

In Application No. 18024 the Department of Public Works of the State of California seeks an order authorizing the construction of a State highway at grade over Southern Pacific Company's Hanford Branch, near Goshen Junction, Tulare County.

In Application No. 18101 the Department of Public Works seeks authority to effect a grade separation by construct-

ing an underpass with Southern Pacific Company's main line track, San Joaquin Division, near Goshen Junction, and also ask that the cost of this improvement be apportioned between the railroad and applicant.

Hearings were conducted in the two above proceedings at San Francisco and the matters are now under submission and ready for decision.

At the opening hearing in the above entitled proceedings it was stipulated by the parties that the two applications should be consolidated for hearing as considerable of the testimony would be applicable to both cases.

The improvements proposed in the two above entitled proceedings are a part of a plan to improve sections of two State highways in the vicinity of Goshen Junction and at the same time effect a safe and convenient crossing with the railroad whereby two grade crossings will be replaced with one separation. One of the highways involved is designated as State Highway No. 4 and is the main artery between San Francisco and Los Angeles via San Joaquin Valley. In the records of the United States Bureau of Public Roads this highway is part of U. S. Route No. 99, which extends in a general northerly and southerly direction through California and is considered one of the major highway routes in the western states. The other highway involved is designated as State Highway Route No. 10, which is an important east and west highway and is improved from the Sequoia National Park on the east to a connection with the Coast State Highway (U. S. Route No. 101) on the west at San Lucas. The record shows there is a plan to improve this highway west to the ocean.

At the present time there are four grade crossings over Southern Pacific Company's main line within the limits of the proposed improvement which extends in a general northerly and

southerly direction, a distance of three and one-half miles paralleling State Highway Route No. 4. These main line grade crossings, with one additional crossing over a branch line, are located as follows:

Crossing No. B-238.7 is located approximately half a mile north of Goshen Junction where State Highway Route No. 4 crosses the main line track.

Crossing No. B-239.1 is located at Goshen Junction where a north and south county road crosses the main line and yard tracks at the station.

Crossing No. B-239.9 is located about three-quarters of a mile to the south of Goshen Junction where an east and west county road crosses the main line track.

Crossing No. B-241.1 is located approximately two miles south of Goshen Junction where State Highway Route No. 10 crosses the main line track.

Crossing No. BAC-246.0 is located approximately three-quarters of a mile to the south of Goshen Junction where State Highway Route No. 4 crosses Southern Pacific Company's Visalia Branch.

In the instant applications it is proposed to rearrange the highway and railroad crossing situation at Goshen Junction by constructing two substitute railroad crossings, one located at a point approximately a quarter of a mile northwest of Goshen Junction where it is proposed to construct State Highway Route No. 4 at grade over Southern Pacific Company's Hanford Branch, which, if effected, will be designated as Crossing No. BDE-244.8; the other is the proposed separation where it is planned to carry the consolidated traffic of State Highways Nos. 4 and 10 under Southern Pacific Company's main line at a point approximately two miles south of Goshen Junction. This separation, if constructed, will be assigned Crossing No. B-240.9-B.

With these two new railroad crossings, Route No. 4 will be changed from the east to the west side of the track between the separation and Crossing No. B-238.7. Under this plan it is proposed to close Crossings Nos. B-238.7 and B-241.1. Highway

traffic on Route No. 4 will be diverted from Crossing No. BAC-246.0 to Crossing No. BDE-244.8. As both of these grade crossings involve only branch line tracks they may be considered as offsetting in this consideration. From the record it appears there is little public need for Crossing No. B-239.9, as traffic using this crossing would not be seriously inconvenienced if required to use other adjacent crossings over the railroad.

The record shows the daily traffic for all classes of vehicles over the various crossings to be as follows:

: Crossing	: Highway	: Railroad	: Daily Traffic		
			: Highway	: Railroad	: Freight
<u>Existing:</u>					
B-238.7	Rte. No. 4	Main Line	2500 to 4000	8	8 to 10
B-239.1	County Road	" "	250*to 300*	8	8 to 25
B-239.9	" "	" "	100*to 200*	6	6 to 8
B-241.1	Rte. No. 10	" "	1000 to 1500	6	6 to 8
BAC-246.0	Rte. No. 4	Branch "	2500 to 4000	2	2 to 4
<u>Proposed:</u>					
BDE-244.8	Grade Crossing Rte.No.4	Branch "	2500*to 4000*	-	2 to 4
B-240.9-B	Grade Separation Rtes. Nos.4 & 10	Main "	3500*to 5500*	6	6 to 8

*Estimated.

The truck and bus traffic constitutes approximately 20% of the total highway traffic. The record shows that approximately 36% of the daily vehicular traffic on Route No. 4 passes through Goshen Junction between the hours of 6:00 P.M. and 6:00 A.M.

In connection with the traffic counts, records were made of the amount of delay occasioned to all vehicles due to train interference and also delay to buses carrying passengers for

hire and certain classes of trucks in complying with the safety stop at railroad crossings, as prescribed in Section 135 of the California Vehicle Act. Southern Pacific Company's Exhibits Nos. 39 and 41 show that the traffic delay to vehicles due to train interference at the two important crossings of the State highway with Southern Pacific Company's main line (Nos. B-238.8 and B-241.1) amounted to 104 vehicle hours per year. Applicant's Exhibit No. 36 shows the delay to truck and buses in making the required safety stop at these two crossings amounts to 871 vehicle hours per year.

Crossing No. B-238.7 is protected by a single wigwag, special illuminated overhead advance crossing signs and pavement marking. Crossing No. B-241.1 is protected by a single wigwag, flood lights and pavement marking. The annual expense of maintaining these two crossings, together with the protection, amounts to approximately \$1,300, the greater portion of which is incurred in maintaining the special illuminated signs and flood lights and is borne by applicant. It should be pointed out, however, that in considering the economic justification of a grade separation, as reflected in the expense of maintaining grade crossing warning devices the expense of maintaining the existing protection should not be considered as the sole test unless such protection is reasonably adequate and complete. It appears that for these two important grade crossings, located in a district where there is considerable night driving and at times heavy fog, an added allowance should be made to cover the expense of providing a second automatic signal, especially at Crossing No. B-238.7.

Southern Pacific Company introduced exhibits based on its economic study to show that the public benefits to be derived from a separation do not justify the necessary expenditure to

effect this improvement. Using the company's figures shown on its Exhibit No. 75, the total annual benefits to be derived from a separation amount to \$800, whereas the total annual expense of a separation at this point is estimated at \$5,700, based upon interest, depreciation and maintenance of a subway having a driveway width of forty-four feet estimated to cost \$82,000. The company allows only \$54. to represent the advantages to be derived from the elimination of grade crossing accidents at Crossings Nos. B-238.7 and B-241.1. This calculation is predicated upon the accident record of these two crossings over a period of six and a half years, which amounted to only three accidents with no casualties.

Commission's Exhibit No. 87 shows the result of a study of grade crossing accidents on State highways with main and branch line railroads over a six-year period ending December 31, 1931, which reveals that on the yearly average there were .214 accidents at each grade crossing resulting in the death of .029 persons and in addition injury to .142 other persons. The estimated average annual economic loss as a result of grade crossing accidents on State highways is shown on this exhibit to be \$487. It is apparent that the accident record at any particular crossing should not be the sole test of hazard at that crossing or completely measure the value that would accrue as a result of its elimination. We must consider other factors, such as averages over a long period of time with a comparable class of grade crossings.

The record shows that the State has, during the past few years, expended a considerable sum of money in improving Route No. 4 to a higher standard in the way of widening the pavement and shoulders and eliminating short radius curves and steep grades. The section at Goshen Junction, within the limits of the proposed project, has not been improved. The same is true with respect to Route No. 10 within the limits of this

proposed improvement.

Estimates were presented (Applicant's Exhibit No. 38 and the company's Exhibit No. 81), showing the total cost of improving Routes Nos. 4 and 10 within the limits of the proposed project on different plans, as follows:

To improve the pavement on the present location of these highways with grade crossings, the cost would be approximately \$217,000.

To construct new highways along the lines proposed by applicant with grade crossings, instead of a grade separation, the cost would be approximately \$290,000.

To construct new highways along the lines proposed by applicant with a grade separation to replace the two existing grade crossings, Nos. B-233.7 and B-241.1, the cost would be approximately \$343,000, which would provide for a separation having a driveway width of forty-four feet and \$317,000 if the separation were limited to a width of twenty-four feet. These estimates include the cost of pavement throughout.

The estimated cost of the separation structure, including approaches but excluding pavement, is shown to be \$66,700 for one having a driveway width of forty-four feet and \$40,400 for one with a twenty-four foot driveway.

Southern Pacific Company introduced traffic counts taken at a number of locations with restricted driveways to show that a subway having a roadway width of twenty-four feet would provide ample carrying capacity at the proposed separation. It was shown, however, that traffic regulation at the various locations where counts were taken was materially different from that at the location in question.

In passing upon the question of whether or not a grade separation should be authorized and directed at this point, there are a great many factors to be considered. We must not only review the situation from conditions prevailing today, but also forecast over a reasonable period of time into the future. It is apparent from the testimony introduced in these proceedings that the two highways involved herein, Routes Nos. 4 and 10, are important arteries at this time and will increase in volume in the future; also the railroad is one of Southern Pacific Company's main lines in this state. Ordinarily, these conditions justify serious consideration for a grade separation. On the other hand we should not lose sight of the present situation, particularly at this time when revenue

CORRECTION

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

proposed improvement.

Estimates were presented (Applicant's Exhibit No. 38 and the company's Exhibit No. 81), showing the total cost of improving Routes Nos. 4 and 10 within the limits of the proposed project on different plans, as follows:

To improve the pavement on the present location of these highways with grade crossings, the cost would be approximately \$217,000.

To construct new highways along the lines proposed by applicant with grade crossings, instead of a grade separation, the cost would be approximately \$290,000.

To construct new highways along the lines proposed by applicant with a grade separation to replace the two existing grade crossings, Nos. B-233.7 and B-241.1, the cost would be approximately \$343,000, which would provide for a separation having a driveway width of forty-four feet and \$317,000 if the separation were limited to a width of twenty-four feet. These estimates include the cost of pavement throughout.

The estimated cost of the separation structure, including approaches but excluding pavement, is shown to be \$66,700 for one having a driveway width of forty-four feet and \$40,400 for one with a twenty-four foot driveway.

Southern Pacific Company introduced traffic counts taken at a number of locations with restricted driveways to show that a subway having a roadway width of twenty-four feet would provide ample carrying capacity at the proposed separation. It was shown, however, that traffic regulation at the various locations where the counts were taken was materially different from that at the point in question.

In passing upon the question of whether or not a grade separation should be authorized and directed at this point, there are a great many factors to be considered. We must not only review the situation from conditions prevailing today, but must forecast over a reasonable period of time into the future. It is apparent from the testimony introduced in these proceedings that the two highways involved herein, Routes Nos. 4 and 10, are important arteries at this time and will increase in importance in the future; also the railroad is one of Southern Pacific Company's main lines in this state. Ordinarily these two conditions justify serious consideration for a grade separation. On the other hand we should not lose sight of the economic situation, particularly at this time when revenues from practically

all sources are materially below what they have been in the immediate past. In spending money, regardless of whether or not it be appropriated by the general public or railroad, it should be directed where all parties will receive the greatest benefit. Doubtless there are many other locations in the State where a grade separation is more urgent. However, the fact that there is a plan for a material improvement of the two State highways in the vicinity of Goshen Junction, lends to the desirability of effecting a grade separation as proposed herein. It was shown that in so far as applicant's ability to finance its portion of the proposed highway improvements and the separation is concerned, money is available from both the income from State Gas Tax and from Federal aid for highway construction. The railroad urged that if it is required to finance any portion of the proposed separation, the amount contributed by Federal aid should be deducted before apportionment between the railroad and applicant. We can see no virtue in this contention which would warrant deviating from the general policy that has been followed in the apportionment of cost of grade separations in this State, to the effect that the public's contribution be considered as a unit regardless of what portion of the public makes up the contribution. The railroad also contended that if applicant insisted upon constructing this separation when it has not been shown that the economic benefits justify the substantial expense of a separation, any assessment upon the company should be limited to the direct benefits to be derived therefrom in the way of decreased operating expense resulting from the elimination of maintaining the existing grade crossings and protection, and pointed out that the company was finding it difficult at this time to raise money to meet many needed improvements. With this contention we cannot agree.

In allocating the costs here we are departing from the practice which has obtained generally heretofore of assessing one-half to each the public and the railroad in case of an existing grade crossing. While this procedure has appeared equitable in the past, the tremendous changes in transportation conditions make necessary a reappraisal of the liabilities of the two parties at interest. The railroad still continues to be the aggressor in preventing the free and unhampered use of the public thoroughfare, but the needs of the traffic on the highway have not only increased and changed in nature, but the use of the highway has become in large measure directly competitive with the rail line. These and incidental conditions following them have changed the benefits flowing from the separation of grades between these two great avenues of traffic.

After carefully considering all the evidence in these proceedings, it is concluded that the order should authorize the grade separation, as proposed, and fix the amount to be contributed by the railroad in a lump sum based upon direct and indirect benefits. This sum is arrived at by capitalizing an amount measuring the annual benefits and privileges on a six per cent basis. If applicant elects to proceed with the construction of the separation, where according to the record there is some question as to its present economic justification, it shall bear the remainder of the cost and choose the width of subway it desires to construct. The order assessing an amount to the railroad is based upon the closing of Crossings Nos. B-238.1, B-239.9 and B-241.1.

The following form of order is recommended.

O R D E R

Public hearings having been had on the two above numbered proceedings and the matters being under submission and now ready for decision,

IT IS HEREBY ORDERED that the People of the State of California on relation of the Department of Public Works, Division of Highways, are hereby authorized:

I. To construct State Highway Route No. 4 at grade across the track of Southern Pacific Company's Hanford Branch in the vicinity of Goshen Junction, County of Tulare, State of California, at the location more particularly shown by the map (Exhibit No. 4-A), filed in these proceedings, subject to the following conditions, and not otherwise:

- (1) The above crossing shall be identified as Crossing No. BDE-244.8.
- (2) The entire expense of constructing the crossing shall be borne by applicant. The cost of maintenance of that portion of said crossing outside of lines two (2) feet outside of the outside rails shall be borne by applicant. The maintenance of that portion of the crossing between lines two (2) feet outside of the outside rails shall be borne by Southern Pacific Company.
- (3) The crossing shall be constructed of a width of not less than thirty (30) feet and at an angle to the railroad as shown on said Exhibit No. 4-A, and with grades of approach not greater than three (3) per cent; shall be constructed equal or superior to type shown as Standard No. 3 in our General Order No. 72; shall be protected by 2 standard automatic signals selected from types shown in our General Order No. 75-A, subject to the Commission's approval, and shall in every way be made suitable for the passage thereon of vehicles and other road traffic.
- (4) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossing and of its compliance with the conditions hereof.
- (5) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof unless further time is granted by subsequent order.

II. To construct State Highway Routes Nos. 4 and 10, consolidated, at separated grades under the main line track of Southern Pacific Company at a point approximately two (2) miles south of Goshen Junction, County of Tulare, State of California, at the location more particularly shown by the map (Exhibit No. 4-A), filed in these proceedings, subject to the following

conditions and not otherwise:

- (1) The above grade separation shall be identified as Crossing No. B-240.9-B.
- (2) Southern Pacific Company shall contribute Fifteen Thousand Dollars (\$15,000.) toward the cost of construction of said separation. The entire remaining cost of construction shall be borne by applicant.
- (3) Applicant shall file within one hundred and twenty (120) days copy or copies of agreement or agreements with Southern Pacific Company covering the terms of construction and maintenance of said grade separation.
- (4) Applicant shall file, for approval, within one hundred and twenty (120) days from the date hereof and prior to the commencement of construction, a set of plans for said grade separation, which plans shall have been approved by Southern Pacific Company.
- (5) Said grade separation shall be constructed with clearances conforming to the provisions of this Commission's General Order No. 26-C.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said grade separation and of its compliance with the conditions hereof.
- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

IT IS HEREBY FURTHER ORDERED that prior to the beginning of actual construction of said crossings hereinbefore authorized, applicant shall file with this Commission certified copies of appropriate ordinances or resolutions duly and regularly passed by the political body having jurisdiction over the particular highway in question, instituting the necessary steps to legally abandon and effectively close the existing grade crossings at the following locations:

Crossing No. B-238.7 - State Highway Route No. 4 crossing Southern Pacific Company's main line approximately one-half mile north of Goshen Junction.

Crossing No. B-239.9 - County Road crossing Southern Pacific Company's main line approximately three-quarters of a mile south of Goshen Junction.

Crossing No. B-241.1 - State Highway Route No. 10 crossing Southern Pacific Company's main line approximately two miles south of Goshen Junction.

Upon the completion of the crossings herein authorized and upon their being opened to public use and travel, said crossings, Nos. B-238.7, B-239.9 and B-241.1, shall be legally abandoned and effectively closed to public use and travel.

IT IS HEREBY FURTHER ORDERED that the Commission reserves the right to make such further orders in these proceedings if in its judgment public convenience and necessity demand such action.

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.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15th day of January, 1933.

O. C. Devery
W. A. Cunn
W. B. Harris
Robert M. ...
Commissioners.