

Decision No. 26034

ORIGINAL

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 crossing at separated grades of the State highway and the tracks of the Southern Pacific Railroad near Soledad, Monterey County.

Application No. 18770.

Frank B. Durkee, for Applicant.

H. W. Hobbs, for Southern Pacific Company.

H. S. Young, for United Milk Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding the Department of Public Works seeks an order authorizing the construction of a grade separation of State Highway Route No. 2 with Southern Pacific Company's Coast Line near Soledad, Monterey County, and in the event the proposed separation is authorized the Commission is requested to apportion the cost of same between applicant and Southern Pacific Company.

A public hearing was conducted in this matter before Examiner Hunter on May 23rd and 24th, 1933, in the Commission's Courtroom, San Francisco, California.

The highway involved is State Highway Route No. 2, designated by the Bureau of Public Roads as U.S. 101. This is one of two main highways between San Francisco and Los Angeles and is generally known as the Coast Route. U.S. 101 extends from San Diego on the south to the Canadian line on the north.

The record shows that the daily traffic on this highway in the vicinity of the proposed crossing varies from 1500 vehicles during the winter months to 3000 during the summer.

The construction of the proposed separation will permit of closing the existing grade crossing with Southern Pacific Company's tracks at the south city limits of Soledad (Crossing No. E-144.1). This is the only remaining grade crossing of Route No. 2 with Southern Pacific Company's Coast Line outside of incorporated cities in State Highway District No. V, which extends from Gilroy on the north to Ventura on the south, a distance of over 200 miles.

As shown on Exhibit No. 21, applicant proposes to effect a separation at a point approximately 800 feet to the southeast of said Crossing No. E-144.1 by carrying the highway under the railroad tracks. The plan provides for a 34-foot driveway; a 20-foot pavement with 7-foot shoulders and 4% approach grades; one 5-foot sidewalk, and two tracks which are supported over the underpass by means of steel girders resting on concrete abutments.

To reach this separation would require the construction of a new highway for a distance of half a mile over property which would have to be acquired. The points of contact between the proposed new highway and the existing one are located 1400 feet to the south and 1100 feet to the north of the railroad crossing. The estimated cost of the entire project is \$120,000, which includes an allowance of \$23,340 to cover the item of right of way and property damage. It appears, however, that this item is not supported by any extensive study. It is estimated that it would cost \$26,000 to improve the existing highway within the limits of the project to the present high standard of this major highway artery, leaving a net cost chargeable to the separation project of \$94,000.

It is contemplated when the underpass is completed and open to traffic that Crossing No. E-144.1, located partly in the City of Soledad and partly in the unincorporated portion of Monterey County, will be closed. Both the City and the County have signified their willingness to close this crossing upon the completion of the underpass, as evidenced by resolutions introduced in this proceeding as Exhibit No. 3.

At this time the crossing is protected by one wigwag, a double-faced overhead illuminated railroad crossing sign, highway markings, standard crossing and advance warning signs. These protective devices were installed approximately at a cost of \$1500 to the railroad and \$500 to the public. The annual maintenance and depreciation charges for this protection amount to \$366, of which the railroad assumes \$149, the remainder being borne by the public.

Based upon the rule prescribed in the California Motor Vehicle Act, this crossing would be classified as one having an unobstructed view; however, due to the sharp angle between the highway and the railroad, amounting to approximately 17 degrees, it is necessary for the motorist, in getting a view of the railroad to his right, to turn more than 100 degrees from his normal line of vision. The record shows (S.P.Ex.36), that during the past nine years there have been only three grade crossing accidents at this crossing resulting in slight injury to one person with no fatalities.

The railroad involved is Southern Pacific Company's Coast Line, which is a single track in the vicinity of the proposed crossing. There is, however, a number of industrial spurs adjacent to the existing grade crossing. During the past seven years on the average there have been 17 train movements over the crossing per day; in 1952, however, the rail traffic was less than average, amounting to 13 train movements per day. A traffic check taken during the week

ending April 10, 1933, showed the average daily movement to be 8 passenger and 6 freight trains. Aside from switch movements, trains normally operate at high rates of speed in the vicinity of the proposed crossing, passenger trains traveling at rates up to 60 miles per hour and freight trains up to 40 miles per hour.

The proposed new highway will pass through the property of the Union Milk Company which is located adjacent to and immediately south of the railroad. The General Manager of this company testified that the company has an investment in improvements of over \$150,000 and that this site was selected with a view to having both rail and highway transportation. Although the milk is now shipped by truck it appears that the company and the railroad have been negotiating over a period of time on the question of rates and spur track facilities. The milk company takes the position that if the proposed highway is constructed through its property, provision should be made for rail service to its buildings, adequate gravity drainage facilities and convenient access to the highway. Applicant suggested that this company could be afforded spur track service through the construction of a second separation over the underpass which would add approximately \$20,000 to the cost of the project. In addition to carrying rail traffic, the second separation would accommodate vehicles. It appears, however, that the matter of providing rail service to the milk company's plant is one that has been given little attention by applicant.

Southern Pacific Company takes the position that regardless of how or by whom the proposed separation is financed it is not economically justified at this time. Its engineers estimate the structural cost of the proposed separation to be approximately \$56,000, which does not include an allowance for right of way, property damage, highway pavement or sidewalks. In support of its

position the railroad introduced a study(Ex. No. 38), which shows the annual economic advantages and disadvantages of the separation, the disadvantages exceeding the advantages by \$5,100. The advantages consist of the elimination of grade crossing accidents, traffic delay, maintenance of the crossing and its protective devices, all of which amount to \$540 per year, whereas the disadvantages are shown to amount to \$5,640, which covers the items of operation, maintenance and depreciation of the subway, amounting to \$1,140, and interest on the investment of \$4,500. This study also shows the traffic delay to be 388 vehicle hours per year which would be eliminated through the construction of the proposed separation. The cost of providing the facility to eliminate this delay would be equivalent to spending \$13.14 per vehicle hour of delay. The company's Exhibit No. 35 shows the result of a traffic check taken at the crossing over the test week in April to the effect that the crossing was clear for highway use 97.34% of the total time. During the remainder of the time it was occupied by trains or its use restricted through the operation of the wigwag, the time the crossing was actually occupied by trains being one-half of one per cent. Of the 2194 vehicles passing over the crossing per day during this week, 97.21% did not stop, 1.11% was delayed due to rail traffic, and 1.68% was required to make a safety stop.

It is apparent the primary advantages that would obtain through the construction of the proposed separation would be the elimination of grade crossing accidents, delay to traffic, and expense of constructing and maintaining grade crossing protective devices, and at the same time the separation would afford the railroad exclusive use of this section of track over the highway. With respect to eliminating grade crossing accidents, it would appear that reasonable warning to the motorist of approaching trains could be provided through the construction and maintenance of modern types

of automatic grade crossing protective devices. As shown above, the delay to both highway and rail traffic at this grade crossing is not serious at this time. The cost of maintaining suitable signals would be insignificant compared with the annual charges surrounding a grade separation. Referring to benefits resulting from affording the railroad exclusive use of the section of track over the highway, it appears that the volume of traffic on the railroad does not justify spending any substantial sum of money to attain this end.

Ordinarily it is desirable to effect a grade separation where important highways and railroads are involved, as is the case here. However, we must not lose sight of the economic justification of substantial expenditures to obtain this end, particularly at this time when all classes of revenue are below normal. In this regard it was shown that Southern Pacific Company is finding it most difficult to meet its current obligations. While the financial position of this carrier does not change its responsibility, it is in public interest to weigh most carefully the justification for expenditure of money calling for substantial contributions from the railroad. The available railroad money for construction and operating uses should be spent where it is most needed to provide safe and adequate service to the public.

After carefully considering the entire record in this proceeding it is concluded that applicant should be authorized to construct the proposed separation if it elects so to do. Since the showing in this case has fallen materially short of economically justifying the expenditure necessary to effect the proposed separation, it does not appear proper that the railroad should at this time be assessed any portion of the cost of such an improvement, estimated to cost approximately \$100,000. As it is our

conclusion that it is in public interest to defer the construction of this separation, the following order will provide for two conditions; first, authorizing applicant to proceed with the separation at its own expense, and second, in the event it elects not to proceed with the separation, the crossing to be provided with a high standard of protective devices. The construction expense of these protective devices shall be divided equally between applicant and Southern Pacific Company, the maintenance cost to be borne in accordance with the usual practice of this Commission to the effect that the railroad shall be required to maintain the automatic protection and the public the remainder.

O R D E R

A public hearing having been held and the matter being under submission and now ready for decision,

IT IS HEREBY ORDERED that

A. The People of the State of California, on relation of the Department of Public Works, Division of Highways, are hereby authorized to construct a State Highway, known as Road V-Mon-2-D, under the main line track of Southern Pacific Company in the vicinity of the City of Soledad, County of Monterey, California, at the location more particularly shown on the map (Ex. No. 2), filed in this proceeding, subject, however, to the following conditions:

- (1) The above separation shall be identified as Crossing No. E-144.3-B.
- (2) The entire expense of constructing said grade separation shall be borne by applicant.
- (3) Before actual construction is commenced applicant shall file with this Commission for its approval:

- (a) A copy of an agreement with Southern Pacific Company covering terms and cost of maintenance of said separation. Should this agreement not be filed, said cost shall be apportioned by supplemental order herein.
- (b) A set of plans showing how it is proposed to effect said separation, which plans shall have been approved by Southern Pacific Company.
- (4) Said separation shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Prior to the beginning of actual construction of the separation herein authorized, applicant shall file with this Commission a certified copy of an appropriate ordinance or resolution duly and regularly passed, instituting all necessary steps to legally abandon and effectively close the existing State Highway grade crossing at the south city limits of Soledad and identified as Crossing No. E-144.1. Upon the completion of the separation herein authorized and upon its being opened to public use and travel, said Crossing No. E-144.1 shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within ninety (90) days from the date hereof, file with this Commission, in writing, a statement showing whether or not it elects to construct said grade separation in accordance with the above conditions.

B. In the event applicant elects not to construct said separation in accordance with Section A herein, the existing grade crossing at the south city limits of Soledad (Crossing No. E-144.1), shall be provided with appropriate crossing signals, subject, however, to the following conditions:

- (1) Southern Pacific Company shall file with this Commission for its approval a set of plans providing for two automatic signals selected from types shown in the Commission's General Order No. 75-A. Said plans shall be filed within thirty (30) days after the company has been notified by the Commission that applicant has elected not to construct said separation.
- (2) The cost of construction of said signals shall be borne equally by applicant and Southern Pacific Company and the maintenance of these signals shall thereafter be borne by Southern Pacific Company.

C. The Commission reserves the right to make such further orders in this proceeding as to it may seem right and proper and to revoke this order if, in its judgment, public convenience and necessity demand such action.

The effective date of this order shall be twenty (20)

days from the date hereof.

Dated at San Francisco, California, this 5th day
of June, 1933.

W. J. Sewell

Leon Swickard

W. J. Sewell

M. B. Harris

W. J. Sewell

Commissioners.