

Decision No. 26885.

**ORIGINAL**

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 No. 135, California Vehicle Act, and G. O. 89 of California Railroad Commission.

Application No. 19249

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 No. 135, California Vehicle Act, and G. O. 89 of Railroad Commission of the State of California, in the vicinity of Lincoln and Roseville.

Application No. 19265

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 No. 135, California Vehicle Act, and G. O. 89 of the Railroad Commission of the State of California, in the vicinity of Livermore, Calif.

Application No. 19277

BY THE COMMISSION:

O R D E R.

In the above numbered applications the Motor Carriers Association, representing the certificated passenger automotive stage lines, requests approval, pursuant to the provisions of Section No. 135 of the California Vehicle Act, effective August 14, 1931, to erect and maintain distinctive signs, hereinafter referred to as

"exempt signs," at certain spur track crossings at grade with public highways and streets in the State of California, at the locations shown in the applications.

The respective railroads have made their reports relative to the various crossings involved in these proceedings; also an inspection has been made by one of the Commission's engineers. The views expressed by the railroads and our engineer are in agreement.

After reviewing the file in these matters it appears that with respect to the crossings listed in Exhibit "A" attached hereto, applicant should be authorized to establish and maintain "exempt signs" as the switching movements in each case are infrequent and the view practically unobstructed.

With reference to the remainder of the crossings, listed in Exhibit "B," where authority is sought to establish "exempt signs," it appears that such authority should be withheld due to the fact that at many of these crossings there are rather heavy seasonal switching movements and also in some cases the spur tracks involved are located so near to other tracks that it might be confusing as to which track the sign was intended to apply. In one case the track involved cannot be considered as a spur track.

It appears that this is not a matter in which a public hearing is necessary, therefore,

IT IS HEREBY ORDERED that the Railroad Commission of the State of California hereby approves the plan to install and maintain "distinctive" or "exempt signs," in accordance with Section No. 135 of the California Vehicle Act, at certain spur track crossings at grade in the State of California, more particularly described in Exhibit "A" attached hereto and made a part hereof, 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 caused to be erected and maintained by those authorities

(2) Cont'd.

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 said "exempt signs" herein provided, the authority granted to move over such spur track crossing or crossings 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) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said "exempt signs" and of its compliance with the conditions hereof.
- (6) 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, without prejudice, the applications in so far as they relate to the locations shown on Exhibit "B" attached hereto and made a part hereof.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 19<sup>th</sup> day of March, 1934.

W. J. Leary  
Leon A. Wall  
M. J. Carr  
M. B. Harris  
W. L. Harris  
Commissioners.

EXHIBIT "A"

List of 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 No. 135 of the California Vehicle Act:

: : Appl. Number : : Number :	: : Crossing Number : : Number :	: : Railroad : : Railroad :	: : Jurisdiction of : : Highway :	: : Location and : : Remarks :
19277	D-46.5-C	So.Pac.Co.	Livermore	West limits of Livermore
19249	75-30.1	Tidewater Southern	Modesto	9th & "C" Streets, Southbound only. (Spur only)
"	E-63.6-C	So.Pac.Co.	State Route #2.	South of Coyote.
"	B-220.6-C	So.Pac.Co.	Selma	West Front Street.
"	6E-38.13-C	Pac. Elect.	Newport Beach	18th and Central Streets.
"	6W-8.25	Pac. Elect.	La Sierra	Riverside County. (Spur only)
19265	C-107.0-C	So.Pac.Co.	State Route #3	Roseville.
"	C-118.4-C	-do-	-do-	North of Lincoln.
"	C-118.6-C	-do-	-do-	North of Lincoln.

EXHIBIT "B"

List of crossings between spur tracks and public highways where the Commission has denied its approval to erect and maintain "Exempt Signs" in accordance with the provisions of Section No. 135 of the California Vehicle Act.

Appl. Number	Crossing Number	Railroad	Jurisdiction of Highway	Location and Remarks
19277	D-43.0-C	So.Pac.Co.	Alameda Co.	Between Pleasanton and Livermore.
"	D-43.7-C	-do-	-do-	-do- -do-
"	D-44.2-C	-do-	-do-	-do- -do-
"	D-45.1-C	-do-	-do-	-do- -do-
19249	75-29.9	Tidewater Southern	Modesto	9th & "E" Streets (northbound only)
"	B-143.5-C	So. Pac.Co.	State Rte #4	South of Atwater
"	B-207.7-C	-do-	-do-	Calwa, Fresno Co.
"	B-208.5-C	-do-	-do-	-do- -do-
19265	C-117.05-C	-do-	Lincoln	G St. (State Route #3)
"	C-117.2-C	-do-	Lincoln	On State Route #3.