

Decision No. 2834.

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 General Order 89 of the California Railroad Commission.

Application
No. 20072.

H. C. Lucas, for Applicant.
H. W. Hobbs, for Northwestern Pacific Railroad Company and Southern Pacific Company.

BY THE COMMISSION:

O P I N I O N

In this proceeding Motor Carriers Association, representing the certified 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 the following spur track crossings at grade with public highways and streets in the State of California:

<u>Location</u>	<u>Railroad</u>	<u>Crossing Number</u>
Madrone, Sonoma County (Spur only)	Northwestern Pac. R.R.Co.	5E-49.1-C
San Rafael, Marin County (Hess Lumber Spur only)	-do-	5-16.9
Eliot, Alameda County (Eliot Gravel Spur)	Southern Pacific Company	D-43.0-C
Eliot, Alameda County (California Rock Spur)	-do-	D-43.7-C
Eliot, Alameda County (Rhodes Jameson Spur)	-do-	D-44.2-C
Livermore, Alameda County (Gravel Pit Spur)	-do-	D-45.1-C
Atwater, Merced County (Packing House Spur)	-do-	B-143.5-C
Calwa, Fresno County (Spur)	-do-	B-207.7-C
Calwa, Fresno County "	-do-	B-208.5-C
Kingsburg, Tulare County (Spur)	-do-	B-226.0-C
Lincoln, Placer County (Spur)	-do-	C-117.05-C
Lincoln, Placer County "	-do-	C-117.2-C

Public hearings were held in this matter before Examiner Hunter, in San Francisco, on October 14th and 21st, 1935.

In this proceeding applicant requests permission to erect and maintain "exempt signs" at the above grade crossings. In support of the application it was contended that exemption from stopping at these selected crossings would facilitate passenger stage movements along the highway with no undue increase in the hazard to the operation of automotive stages, their patrons or to the railroads; furthermore, it was contended that the elimination of stops would reduce rear-end collisions and in some cases reduce congestion on the highways.

Testimony was introduced showing the conditions surrounding each of the crossings involved, i.e., number of stage and train movements, obstructions to view and crossing protection.

The rail carriers involved objected to the proposed establishment of "exempt signs" at any of these locations which would constitute authority for motor vehicles carrying passengers for hire to cross spur tracks without stopping, on the general ground that this practice would tend to increase the hazard at the crossing.

After considering the evidence presented in this proceeding it appears that approval to establish "exempt signs" should be granted at all locations herein involved, except at Crossing No. C-117.05-C, Lincoln. This crossing involves both an important highway and spur track where the view of approaching trains is obstructed from the highway, which would cause an undue hazard if stages crossed over this spur track without first stopping, and the order will so provide.

O R D E R

Public hearings having been held in this proceeding,

the matter having been submitted and being now ready for decision,

IT IS HEREBY ORDERED that the Railroad Commission of the State of California approves the plan to install and maintain "distinctive or exempt signs" in accordance with Section 135 of the California Vehicle Act, at the following spur track crossings in the State of California:

<u>Location</u>	<u>Railroad</u>	<u>Crossing Number</u>
Madrone, Sonoma County (Spur only)	Northwestern Pac. R.R.Co.	5H-49.1-C
San Rafael, Marin County (Hess Lumber Spur only)	-do-	5-16.9
Eliot, Alameda County (Eliot Gravel Spur)	Southern Pacific Co.	D-43.0-C
Eliot, Alameda County (California Rock Spur)	-do-	D-43.7-C
Eliot, Alameda County (Rhodes Jameson Spur)	-do-	D-44.2-C
Livermore, Alameda County (Gravel Pit Spur)	-do-	D-45.1-C
Atwater, Merced County (Packing House Spur)	-do-	B-143.5-C
Calwa, Fresno County (Spur)	-do-	B-207.7-C
Calwa, Fresno County (Spur)	-do-	B-208.5-C
Kingsburg, Tulare County (Spur)	-do-	B-226.0-C
Lincoln, Placer County (Spur)	-do-	C-117.2-C

subject, however, to the following conditions:

- (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) Applicant shall, within thirty (30) days thereafter, notify this Commission in writing of the completion of the erection of said "exempt signs" and of its compliance with the conditions hereof.

- (5) In the event the 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.
- (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 application seeking its approval to erect and maintain "distinctive or exempt signs" at Crossing No. C-117.05-C, located in the Town of Lincoln, County of Placer, State of California.

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

Dated at San Francisco, California, this 12th day of November, 1935.

Leon A. Whelan
W. H. C.
W. H. C.
W. H. C.

Commissioners.