

ER

Decision No. 44872

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

County of Fresno,)
)
 Complainant,)
 vs.)
)
 Southern Pacific Railroad Company,)
)
 Defendant.)

Case No. 5208

LeRoy Snyder, Jr., for County of Fresno.
R. S. Myers, for Southern Pacific Railroad Company
M. E. Getchel, for Transportation Department,
 Public Utilities Commission.

O P I N I O N

The County of Fresno, by complaint filed herein, seeks an order directing Southern Pacific Railroad Company to install and completely bear the expense of an automatic type warning device at the crossing of its main track with Central Avenue in Fresno County (Crossing No. B210.5), alleging that said crossing is an extremely hazardous one.

The defendant has controverted the material allegations of the complaint and upon the issue thus joined, a public hearing was held at Fresno, before Examiner Silverhart, on September 6, 1950, at which time the case was submitted for decision.

The crossing is located some five miles southerly of Fresno and is situated about 50 feet east of the east line of U.S. Highway 99.

Lew N. Clark, a member of the Board of Supervisors of Fresno County, testified that he had observed the crossing for nine years; that Central Avenue was a main route to the west from Del Rey;

that the Central Avenue crossing was put to greater use than other crossings in the area; that persons residing in Del Rey must use such crossing to reach the drive-in theater on U. S. Highway 99 to the southwest thereof. Lad Klohs, Jr., Fresno County assistant commissioner of Public Works, testified that direct traffic from the east traversed Central Avenue for a distance of ten or twelve miles to Crossing No. B210.5, which is utilized more than other crossings within a radius of two miles. He stated that a mechanical traffic count covering the period from 9:00 a.m., May 26, 1950, to 9:00 a.m., May 27, 1950, indicated 727 vehicles moved over the crossing, traveling in both directions, but that such number will increase between 40 to 50 per cent during the harvest season. The witness asserted that an accident ⁽¹⁾ resulting in death occurred within the last 8 months at the crossing; that other accidents had taken place there and that a train actuated flashing signal should be installed.

Evidence on behalf of the defendant was presented by the assistant superintendent and the assistant division engineer of its San Joaquin Division. Their testimony shows that Central Avenue is crossed by defendant's main line, which is single track at that point. A siding, used only by the yard switching engine and not for passing of trains, is adjacent to and parallel with the main track. A spur extends southerly from the crossing to the California Pine Box Company, distant 200 to 250 feet from the center line of Central Avenue. Usually one car is moved over this spur three times weekly. It was stated that 36 through freight trains traveled ^(1a) east over the crossing and 43 west during the period from August 22, 1950 to August 28, 1950, and that defendant operates less passenger and local freight trains now than it did 10 years ago, with the number of

(1) In the period November 19, 1949 to April 19, 1950, there were three accidents at the Central Avenue crossing, resulting in three deaths and two non-fatal injuries

(1a) Railroad directions are here referred to.

through freight trains remaining substantially the same. Maximum allowable speeds over the crossing range from 30 miles per hour to 75 miles per hour.

Defendant's witness estimated the cost of installing two Standard No. 8 Flashing Light signals, as detailed in the Commission's General Order No. 75-B at \$8,000, with a maintenance charge of \$100 annually.

The record clearly establishes, and we hereby find, that Crossing No. B210.5 should be protected by automatic signaling devices. The record also demonstrates that the need for protection arises, not because of defendant's activities, but rather because of the increased number of vehicles traveling over U. S. Highway No. 99 and to and from Central Avenue over such crossing. It must be noted that we have heretofore stated⁽²⁾ that a railroad's responsibility to keep at a minimum the hazards at all points of highway crossings with its line, is a continuing one, and the cost of providing protection at grade crossings depends upon the circumstances and equities in each instance.

We have decided that a proper allocation of the costs requires the railroad to assume one-half of the expense of installing the needed protection and the County of Fresno one-half thereof. The railroad shall bear the expense of maintaining the installation.

O R D E R

A public hearing having been held and basing this order on the evidence therein adduced, and upon the findings and conclusions set forth in the foregoing opinion,

(2) See City of Los Angeles - Decision No. 23744, Application No. 17036 dated June 1, 1931, 36 P.U.C. 342.

IT IS ORDERED:

(1) That Southern Pacific Railroad Company, defendant herein, within 90 days from the effective date hereof, shall install at the crossing of Central Avenue with the defendant's tracks, in the County of Fresno, Crossing No. B210.5, two Standard No. 8 Flashing Light signals, in accordance with the provisions of General Order No. 75-B of this Commission, the signal on the southwest corner to be equipped with an additional set of Flashing Light Signals to face northbound traffic on Highway 99.

(2) The entire cost of installing said lights shall be borne fifty per cent by Southern Pacific Railroad Company, and fifty per cent by the County of Fresno.

(3) The cost of maintaining said lights shall be borne by Southern Pacific Railroad Company.

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

Dated at San Francisco, California, this 3rd day of October, 1950.

R. E. Johnson
Justin J. Keesee
Harold F. Foyell
Harold H. Kille
Thomas H. Potter
COMMISSIONERS