

Decision No. 49800

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Siskiyou
to widen and relocate an existing
crossing No. CFA-529.4.)

Application No. 34334
(Amended)

Commission Investigation into grade
crossings of Southern Pacific Company's
railroad tracks in the County of
Siskiyou, viz., crossing County Road
No. 24259 near City of Tulelake, cross-
ing Main Street in City of Tulelake
and crossing a highway or roadway near
northerly boundary of City of Tulelake.)

Case No. 5507

Appearances

In Application No. 34334:

Orel E. Lewis, County Road Commissioner,
for County of Siskiyou, applicant.
Roy Jerome, for Southern Pacific Company;
John R. Kardell, City Engineer, for
City of Tulelake; J. Pitts Elmore, for
U. S. Bureau of Reclamation, interested
parties.
Halsey L. Rixford, attorney, for the
Commission staff.

In Case No. 5507:

Orel E. Lewis, County Road Commissioner,
for County of Siskiyou; Roy Jerome,
for Southern Pacific Company; John R.
Kardell, City Engineer, for City of
Tulelake, respondents.
J. Pitts Elmore, for U. S. Bureau of Recla-
mation, interested party.
Halsey L. Rixford, attorney, for the
Commission staff.

O P I N I O N

By Application No. 34334, filed May 7, 1953, the applicant
County of Siskiyou is seeking to widen and relocate an existing
crossing at grade, near the City of Tulelake, of County Road
No. 24259 (also known as E Street or East-West Road) and the

Southern Pacific Company's main line, east spur and west spur, said crossing being known as Crossing No. CFA-529.4.

Subsequent to the filing of said application, the Commission instituted an investigation on its own motion on November 24, 1953, Case No. 5507. This investigation was concerned with the aforesaid Crossing No. CFA-529.4 and also two other public crossings at grade of Southern Pacific Company tracks, Crossing No. CFA-529.8 and Crossing No. CFA-530.0. Crossing No. CFA-529.8 is a crossing within the City of Tulelake of Main Street and the railroad's main line, two side tracks and one spur track. This crossing is four tenths of a mile northwesterly from Crossing No. CFA-529.4. Crossing No. CFA-530.0 which is two tenths of a mile northwesterly from Crossing No. CFA-529.8 is a crossing of the railroad's main line and a street known as Highway Street. Part of this crossing is within the City of Tulelake and part is outside the City of Tulelake. The Commission investigation was instituted to determine whether any of said crossings are hazardous to the public and to determine whether public safety, convenience and necessity require that any of said crossings be closed, widened, altered or relocated, or require the installation or alteration of protective devices, and, if so, to prescribe the terms upon which the maintenance, closing, widening, alteration, relocation or installation shall be done and the proportions in which the expense thereof shall be divided among the respondents Southern Pacific Company, the County of Siskiyou and the City of Tulelake.

A public hearing at which the above proceedings were consolidated was held before Examiner W. E. Cline at Tulelake, December 22, 1953. The County of Siskiyou was given an opportunity to file an amendment to the application on or before January 21, 1954.

No amendment was filed and the matters were taken under submission January 21, 1954.

East-West Road Crossing (Crossing No. CFA-529.4)

The existing East-West Road Crossing was authorized by Decision No. 20783, dated February 15, 1929, in Application No. 15241, and by Decision No. 29377, dated December 15, 1936, in Application No. 20907. Both decisions provided that the grade of approach should not exceed 6 per cent. By letter dated May 27, 1937, Southern Pacific Company advised that the spur track authorized as a portion of the East-West Road Crossing had been constructed in accordance with the conditions of Decision No. 29377. The record in this proceeding, however, shows the grade of approach between the easterly spur and the main line track actually is about 8.5 per cent instead of 6 per cent or less.

The order authorizing the construction of the westerly spur track which appears in Decision No. 37128, dated June 13, 1944, in Application No. 26200, provides that train movements over the spur track crossing shall be flagged by a competent employee.

During 1948 and 1949 a survey party composed of representatives of the Southern Pacific Company, Siskiyou County, the City of Tulelake and the California Public Utilities Commission staff made certain recommendations to improve the safety of the East-West Road crossing, among which were recommendations that the railroad submit an estimate of the cost of installing two No. 8 flashing light signals and that the County of Siskiyou improve approaches and alignment.

On a resurvey of railroad grade crossings as a follow-up to the 1948-1949 survey, it was recommended that two No. 8 flashing light signals be installed at the crossing, the cost of the installation to be allocated between the Southern Pacific Company and the County of Siskiyou.

The East-West Road is the main truck route used to haul produce and supplies to and from the west side of the Tulelake area to State Highway No. 139. There is one main line and two spur tracks at the crossing. The approaches are 24 feet in width and although oiled are winding, steep and rough. The County proposes that the approaches and crossing be widened to 30 feet, straightened, paved with 2-inch asphalt, and that the grade of approach be reduced to a maximum of 6 per cent. To reduce the maximum grade at the crossing from 8.5 per cent to 6 per cent, as proposed, the easterly spur track must be raised 1 foot. The legal description of the proposed realigned crossing appears in the application, as amended.

Because of the potato cellars located at all four quadrants, the view at the crossing is restricted. The crossing is protected by a reflectorized advance warning sign on the west side of the crossing and four No. 1 crossing signs.

Automatic 24-hour traffic counts made by the County of Siskiyou at the East-West Road Crossing on October 22 and 23, 1953, showed that 2,182 vehicles used the crossing on October 22 and 2,264 vehicles on October 23. During these two days trucks were hauling produce for storage and shipment.

A manual 12-hour traffic count was taken at the East-West Road Crossing by the Commission staff on Thursday, November 12, 1953, between the hours 7 a.m. and 7 p.m. This count showed that 1,275 passenger vehicles and 91 trucks and buses, or a total of 1,366 vehicles used the crossing. During the count there were nine train movements at the crossing. As the count was taken by the Commission staff after the heavy hauling period, it does not reflect the maximum use by trucks of the East-West Road Crossing. Witness DeMoss of the Southern Pacific Company stated that a 24-hour automatic traffic count at the East-West Road Crossing between 3 p.m. December 15, and 3 p.m.

December 16, 1953, recorded 951 vehicles, 5 eastward train movements and 3 westward train movements.

The maximum permissive speed at all three crossings involved in this proceeding is 25 miles per hour.

There have been two noninjury accidents at this crossing in the past 10 years, both occurring during 1953.

The Commission staff engineer recommended the following improvements and protection at the East-West Road Crossing:

1. The easterly spur track should be raised to accommodate the proposed 6 per cent maximum grade.
2. Two No. 8 flashing light signals protecting main line movements only should be installed.
3. No rail movements should be made across the easterly and westerly spur track crossings unless the vehicular traffic on the road is first protected by a member of the train crew or other competent employee acting as flagman.
4. The crossing should be kept free from trains, engines, motors or cars except when actually being used and should not be blocked unnecessarily.

The Commission staff engineer also recommended that directional circuits be installed to prevent over ringing of the automatic signals proposed to be installed. No estimate of the cost of installing such circuits has been submitted. Also there is nothing in the record to support a finding that the trains will be operated in such a manner at this crossing as to result in "over ringing", or the unnecessary operation of the automatic signals. The recommendation that directional circuits be installed at the East-West Road Crossing will not be adopted at this time. However, the Commission will direct the Southern Pacific Company to operate its trains in such a manner at the crossing as to avoid over ringing of the automatic signals which the Commission will direct to be

installed. The record supports the granting of the authorization requested by the County of Siskiyou and the adoption of the other recommendations of the Commission staff engineer respecting the East-West Road Crossing. The Commission herein grants such authorization and adopts said recommendations other than the installation of directional circuits to prevent over ringing.

Witness Orel E. Lewis, Road Commissioner for the County of Siskiyou, stated that the county is prepared to stand the entire cost of realigning the road outside and to the tracks proper, half the cost of the automatic signals and the cost of moving any power poles and telegraph poles. The county would not be prepared to pay any of the cost of raising the easterly spur track. He estimated that the cost of making these improvements to the crossing would be \$10,000 to \$12,000.

Witness DeMoss of the Southern Pacific Company estimated the cost of raising the easterly spur track at \$1,165. He also estimated that it will cost \$7,480 to install the automatic flashing lights on the main line only at the East-West Crossing. This estimate includes no directional circuits. He estimated that the annual cost of maintenance of the crossing itself would be about \$200 and that the annual cost of maintenance of the automatic flashing lights would be about \$250.

The Southern Pacific Company urges that the entire cost of raising the easterly spur track and of installing the automatic flashing lights should be borne by the county. In support of this position Exhibit No. 2 was introduced into evidence. This exhibit is the suggested plan of apportioning the expense incident to constructing, altering or improving grade crossings between state highways and railroads, as well as installing or revising protective devices, together with the maintenance of such improvements,

developed at informal conferences held in the Commission's office, which were participated in by representatives of the Department of Public Works, Division of Highways, the four major steam railroads operating in California and the Commission's engineering section of its transportation department. Specific reference was made to Items I(e), (g) and (h). Item I(e) provides that 100 per cent of the construction costs incurred in raising or lowering existing tracks outside limits of the crossing to meet alterations of the existing elevation of the road or street shall be borne by the political subdivision. Item I(g) provides 100 per cent of the construction costs of additional automatic protection made necessary by major alterations to the crossing shall be borne by the political subdivision. Item I(h) provides that the construction costs of additional automatic protection at existing crossings where major alterations to the crossing are not involved shall be apportioned 50 per cent to the political subdivision and 50 per cent to the railroad. Major alterations are stated to include those required by the relocation of a crossing but shall not include any highway widening of 10 feet or less not involving the construction of a permanent highway dividing strip.

This suggested plan is persuasive to but not binding upon the Commission in the allocation of costs in this proceeding. The raising of the easterly spur track is necessary not only to meet the proposed alteration of the existing street but to enable the Southern Pacific Company to comply with previous orders of this Commission with respect to the existing crossing. The Commission will order the entire cost of raising the easterly spur 1 foot so that the maximum grade between the tracks will not exceed 6 per cent to be borne by the Southern Pacific Company. The installation of the two No. 8 flashing light signals is not made necessary by reason of the

relocation of the crossing. The need for the additional automatic protection exists with respect to the present crossing as well as to the relocated crossing. In this particular case the Commission finds that the cost of the installation of the automatic signal should be borne one half by the Southern Pacific Company and one half by the County of Siskiyou.

The allocation of the above costs and other costs in connection with improving the East-West Road Crossing as provided in the order to follow this opinion are hereby found to be reasonable.

Main Street Crossing (Crossing No. CFA-529.8)

The Main Street Crossing is the major railroad grade crossing located in the City of Tulelake. It is situated one block east of the business section. A considerable number of vehicles entering or leaving the City of Tulelake use this crossing.

The pavement of the crossing and approaches is approximately 48 feet in width. The angle of approach to the crossing is 90 degrees and the grade of approach is nearly level. Visibility in all quadrants is restricted due to the existing buildings and storage tracks.

The two No. 8 flashing light signals installed at the Main Street Crossing are connected to the main line only and do not operate for train movements on the spur or side tracks. There are no number-of-track or "Stop on Red Signal" signs. Two reflectorized advance warning signs are installed on each side of the Main Street Crossing in advance of the crossing.

A manual 12-hour traffic count was taken by a Commission staff engineer at the Main Street Crossing between the hours of 7 a.m. and 7 p.m. on Tuesday, November 10, 1953. During this period 3,138 passenger vehicles and 215 trucks and busses, or a total of 3,353 vehicles used the crossing. There were six train movements.

The traffic count of the Southern Pacific Company showed that 3,086 vehicles used the Main Street Crossing and there were five eastward train movements and four westward train movements during the 24-hour period between 4 p.m. December 16, and 4. p.m. December 17, 1953. Witness Teal of the Southern Pacific Company testified that during the potato movement there would be an average of 12 or 14 switch movements at the Main Street Crossing each 24-hour period. During the summer months the number of switch movements might drop down to three or four in a 24-hour period.

Five accidents have occurred at the crossing in the last 10-year period, resulting in injuries to six persons. There were no fatalities.

No provision has been made to prevent unnecessary operation of the automatic signals. The Commission staff engineer, in the course of his investigation observed that on one occasion signals operated continuously for more than an hour because a freight train was left on the main line while the crew had dinner. Witness Earl Ager, a local resident who has had an opportunity to observe the operation of the signals for several years, testified that there have been numerous occasions when the signals have rung for an unusually long time, even as long as two hours. He stated that the signals ring so much of the time that the local people pay little attention to them. Such over operation induces disregard of safety devices and should be remedied.

The Commission staff engineer made the following recommendations with respect to the Main Street Crossing:

1. Adequate circuits should be installed to prevent the over ringing of the automatic signals.
2. Reflectorized "Stop on Red Signal" and reflectorized number-of-track signs should be installed on the existing signal standards.

3. All tracks through the street area should be connected to the flashing light signals.
4. No train, engine, motor or car should be operated over any of the track crossings other than the main line unless operators of said train, engine, motor or car have observed that the automatic protection is in operation before proceeding across the crossing.
5. The flagging requirement for the southerly spur track mentioned in Decision No. 28066 in Application No. 19995, should be revoked in the event recommendation No. 4 is adopted.
6. The crossing should be kept free from trains, engines, motors or cars except when actually being used and should not be blocked unnecessarily.

The Southern Pacific Company has taken the position that the small number of switching movements made over the side tracks and spur track at the Main Street Crossing do not warrant the installation of additional circuits to connect the side tracks and spur track to the automatic signals.

The above recommendations of the Commission staff engineer are supported by the record and are reasonably necessary for the safety of the crossing. They are hereby adopted by the Commission and will be incorporated in the order to follow this opinion.

Witness Holland of the Southern Pacific Company estimated that the cost of installing directional circuits to prevent over operation of the signals at the Main Street Crossing would be approximately \$3,200, the cost of installing track circuits for the two side tracks and spur track would be approximately \$500, the cost of installation of the two "Stop on Red" reflectorized signals to be placed on each of the existing flashing light signals would be approximately \$85, and the cost of installing the multiple track signs would be approximately \$50.

The fact that the trains are left standing on the tracks at the Main Street Crossing is the cause of the over operation of the

automatic signals. The cost of installing the directional circuits will be allocated 75 per cent to the Southern Pacific Company and 25 per cent to the City of Tulelake. The cost of connecting the automatic signals to the two side tracks and the spur track will be allocated 50 per cent to the Southern Pacific Company and 50 per cent to the City of Tulelake. The Southern Pacific Company will be required to pay the entire cost of the two "Stop on Red" reflectorized signals and the multiple track signs.

The allocation of the above costs and the other costs in connection with improving the Main Street Crossing which are provided in the order to follow are hereby found to be reasonable.

Highway Street Crossing (Crossing No. CFA-530.0)

Highway Street is located at the northerly end of the City of Tulelake and is within the boundary of that city. However, the actual traveled way of the Highway Street Crossing used by vehicular traffic is not within the city limits.

The presently traveled way is 20 feet in width. The crossing and approaches are of gravel material. The angle of approach is approximately 50 degrees. The grade of approach is approximately 2 per cent on the west and level on the east. A potato cellar located in the southwest quadrant obscures the motorists' vision but visibility in the other three quadrants is good. Highway Street does not continue east beyond its intersection with State Highway No. 139.

The next railroad grade crossing to the north is CFA-530.7, Akins Road Extension South, .7 mile distant and the next railroad grade crossing to the south is CFA-529.8, Main Street, a distance of .2 mile or two blocks.

The 12-hour traffic count conducted at this crossing by the Commission staff engineer between 7 a.m. and 7 p.m., Thursday,

November 12, 1953, showed that 107 passenger vehicles and 18 trucks and buses, or a total of 125 vehicles used the crossing. There were five train movements. According to the traffic count made by the Southern Pacific Company at the crossing between 2 p.m. on December 14, and 2 p.m. December 15, 1953, there were a total of 135 vehicular movements, six eastward train movements and four westward train movements. As appears from these traffic counts this crossing is lightly used.

The Commission records show that there have been two non-injury accidents at the location during the past 10 years.

The Commission staff engineer recommended that the Highway Street Crossing be closed, a substantial barricade be erected, and the crossing and approaches thereto be removed. The Southern Pacific Company also recommended that the crossing be closed. Neither the City of Tulelake nor the County of Siskiyou interposed any objection to the closing of the crossing.

The Commission hereby finds that the Highway Street Crossing should be closed and a substantial barricade should be erected to prevent vehicles from using such crossing.

O R D E R

A public hearing having been held and based upon the evidence therein adduced and the findings and conclusions above set forth,

IT IS ORDERED that:

1. The County of Siskiyou and the Southern Pacific Company are hereby ordered to relocate Crossing No. CFA-529.4, herein also sometimes referred to as the East-West Road Crossing, at the location described in Application No. 34334, as amended, and to improve said crossing as shown on the drawing attached to and made a part of said application subject to the following:

- a. The relocated crossing shall be identified as Crossing No. CFA-529.4.
 - b. The surfaced width of said crossing shall be not less than 30 feet and the grades of approach not greater than 6 per cent. Construction shall be equal or superior to Standard No. 2 of the Commission's General Order No. 72. Two Standard No. 8 flashing light signals of the type shown in General Order No. 75-B protecting the main line movements only shall be installed at the crossing.
 - c. The actual work and the cost of constructing and maintaining that portion of the crossing up to lines 2 feet outside of the outside rails shall be done and borne by the County of Siskiyou. The cost of moving power and telegraph poles shall be borne by the County of Siskiyou. The actual work and the cost of raising the easterly spur track so that the grade of approach will not exceed 6 per cent and of constructing and maintaining that portion of the crossing between said lines shall be done and borne by the Southern Pacific Company. The installation of the flashing light protection shall be done by the Southern Pacific Company but the cost of installation shall be borne one half by the Southern Pacific Company and one half by the County of Siskiyou. The cost of maintaining the flashing light protection shall be borne by the Southern Pacific Company.
 - d. The construction of the relocated crossing and the installation of the flashing light protection shall be completed within one year from the effective date of this order. Within thirty days after completion of their respective portions of the construction and installation, the County of Siskiyou and the Southern Pacific Company shall so advise the Commission in writing.
2. The Southern Pacific Company is hereby ordered to make no rail movements across the easterly and westerly spur tracks at Crossing No. CFA 529.4 unless the vehicular traffic on the East-West Road is first protected by a member of the train crew or other competent employee acting as a flagman. The Southern Pacific Company is further ordered to keep said Crossing No. CFA-529.4 free from trains, engines, motors or cars except when actually being used and not to block said crossing unnecessarily. After the installation of the flashing light protection Southern Pacific Company shall operate its trains in such a manner as to avoid unnecessary operation of the automatic signals.

3. At Crossing No. CFA-529.8 the Southern Pacific Company is hereby ordered to connect all the tracks to the flashing light signals, to install adequate directional circuits to prevent unnecessary operation of the automatic signals and to install reflectorized "Stop on Red Signal" and reflectorized number-of-track signs on existing signal standards, subject to the following:
 - a. The City of Tulelake shall bear one half of the cost of connecting the additional tracks to the flashing light signals and one fourth of the cost of installing adequate directional circuits. The Southern Pacific Company shall bear the balance of the cost of the improvements ordered in ordering paragraph 3 and shall bear the entire cost of maintenance of said improvements.
 - b. The improvements ordered in ordering paragraph 3 shall be completed within one year from the effective date of this order. Within thirty days after completion of said improvements, the Southern Pacific Company shall so notify the Commission in writing.
4. The flagging requirement for the spur track at Crossing No. CFA-529.8 set forth in Decision No. 28066 in Application No. 19995 shall terminate and be revoked without further order of this Commission upon the completion of the connection of all the tracks at said crossing to the flashing light signals. The Southern Pacific Company is hereby ordered to operate no train, engine, motor, or car over any of the tracks at Crossing No. CFA-529.8, other than the main line, subsequent to the connection of said tracks to the flashing light signals unless the operators of said train, engine, motor or car have observed that the automatic protection is in operation before proceeding across the said crossing. The Southern Pacific Company is further ordered to keep said Crossing No. CFA-529.8 free from trains, engines, motors or cars except when actually being used and not to block said crossing unnecessarily.
5. The Southern Pacific Company, the County of Siskiyou, and the City of Tulelake, within ninety days after the effective date of this order shall abolish, by physical closing, Crossing No. CFA-530.0, also referred to as the Highway Street Crossing, and described in the opinion above. The Southern Pacific Company, at its sole expense, shall remove said Crossing No. CFA-530.0 and approaches, within the limits of its right of way, and erect substantial

and suitable barriers, in such manner as effectively to prevent the use of such crossing by vehicular traffic.

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

Dated at San Francisco, California, this 16th day of March, 1954.

A. J. [Signature]
 President

Justin J. [Signature]

[Signature]

[Signature]

[Signature]
 Commissioners