

Decision No. 56259

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
SAN DIEGO TRANSIT SYSTEM, a corporation,) )  
for approval to install "Exemption Sign")  
at six crossings on State Highway 75 in )  
the City of Coronado, in accordance with)  
Section 576.5 of the Vehicle Code.)

Application No. 39414

Lindley, Lazar & Scales, by Leon W. Scales,  
for applicant.

Wm. V. Ellis and George W. Ballard, for  
Brotherhood of Locomotive Firemen and  
Enginemen and Brotherhood of Railroad  
Trainmen AFL-CIO, interested parties.

O P I N I O N

A public hearing in this matter was held before Examiner Grant E. Syphers in San Diego on January 14, 1958. It is now ready for decision.

The San Diego Transit System operates its Route 9 bus line between the ferry landing in Coronado on the one hand, and Gate Four of the Navy Amphibious Base located on the Silver Strand, on the other hand. The route is along Highway 75, which in the City of Coronado is known as Orange Avenue.

In the course of this passenger stage operation it is necessary for the buses to cross two railroad crossings on the out-bound trip from the ferry landing. The first of these is at First and Orange Streets in Coronado, and the second crossing is at Gate Four of the Navy Amphibious Base on the Silver Strand. On the inbound trip it is necessary for the buses to cross four railroad crossings, one at Gate Two of the Navy Amphibious Base, the second at Gate One of the base, the third near the Coronado City Hall, and the fourth at First and Orange Streets in Coronado.

Section 576 of the California Vehicle Code provides as follows:

- "(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any motor truck carrying explosive substance as a cargo or part of a cargo, or of any motor tank truck, tank trailer or tank semitrailer, used in the transportation of flammable liquids or liquefied petroleum gas as a cargo or part of a cargo, whether loaded or empty, before crossing at grade any track or tracks of a railway, interurban or suburban electric railway, shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of such track and while so stopped shall listen, and look in both directions along such track, for any approaching railway train, interurban car or other vehicle using such rails before traversing such crossing, except as hereinafter provided. Such vehicle shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.
- "(b) No stop need be made at any such crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.
- "(c) No stop need be made at street railway tracks within a business or residence district.
- "(d) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop as required in this section at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.
- "(e) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

"(f) Failure of the driver of a motor vehicle carrying any passenger for hire to stop as required in this section shall not be imputed to any bona fide passenger for hire in such vehicle.

"(g) The violation of any of the provisions of this section is a misdemeanor."

In this application an order is requested authorizing the installation of exempt signs under the terms of Section 576.5 of the California Vehicle Code, which reads as follows:

"Notwithstanding the provisions of Section 576, the driver of any motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stops need be made, unless a train or locomotive is approaching upon such branch line."

The evidence discloses that the railroad in question, a branch of the San Diego and Arizona Eastern Railway Company, operates principally in the hauling of freight to the United States Navy. Occasionally there are other shippers or receivers of freight using this branch line. The trains are operated at speeds of not to exceed 12 miles per hour in the residential area and 15 miles per hour in other areas. The crossings at First and Orange Streets in Coronado are in a residential area; the other four crossings herein concerned are not.

Normally there are two trains a week; there are no regular schedules and it is only occasionally that an extra train is run. At the present time there are boulevard stops at the crossings at Gate Two and at the City Hall. As a result of this situation all

vehicles must stop at these crossings and the buses of applicant would be required to stop whether or not exempt signs are granted herein.

Exhibit 3 shows the schedules of the applicant bus line, while Exhibits 2 and 4 through 8 inclusive, are photographs of the railroad crossings.

A consideration of all of this evidence leads us to find that there is no reason why the buses should be required to stop at the crossings other than at the two having the boulevard stop signs. The infrequent train operations at slow speeds and the clear visibility at each of the crossings lead us to conclude that the buses could operate under exempt signs without any undue hazard.

However, there is a legal question which should be considered. Section 576.5 authorizes the installation of exempt signs upon the approval of this Commission where there is a branch line "which crosses a road or street leading to or from a public ferry". Obviously the crossings at First and Orange Streets meet these requirements since they are located within a few yards of the ferry landing. The other crossings are located between two and three miles distance from the ferry. An analysis of the factual situation discloses that this Highway 75 is the only practical route for traffic going to and from the ferry. The evidence herein also discloses that the users of this bus service are principally people going to and from the ferry landing. Under these conditions, and considering the finding we previously have made that the installation of exempt signs would not create any safety problem, we now further find that exempt signs may be installed at the crossings at Gates 1 and 4 of the Amphibious Base. The following order will so provide.

No exempt signs will be permitted at crossings at the City Hall and at Gate 2 because of the existing boulevard stop signs.

ORDER

Application as above entitled having been filed, public hearing having been held thereon, the Commission being fully advised in the premises and hereby finding it to be not adverse to the public interest,

IT IS ORDERED that approval is hereby granted for the display of distinctive "exempt signs," Vehicle Code Sections 576(d) and 576.5, at the following crossings of the San Diego & Arizona Eastern Railway Company, all in the City of Coronado:

<u>Crossing No.</u>	<u>Location</u>	<u>No. of Tracks</u>
<u>OUTBOUND</u>		
36C-20.7	First and Orange	1
Unnumbered	Gate 4, Amphibious Base	2
<u>INBOUND</u>		
36C-18.6	Gate 1, Amphibious Base	1
36C-20.7	First and Orange	1

Such signs shall comply with General Order No. 98 and shall be erected and maintained by the proper authorities. Within thirty days after erection of such signs, applicant shall so advise the Commission in writing. This approval does not exempt any vehicle from observance of any provision of the Vehicle Code and shall expire if signs are not displayed within one year, unless the time be extended or if above conditions are not

complied with. Approval may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California,  
this 18<sup>th</sup> day of February, 1958.

[Signature]  
President

[Signature]

[Signature]

[Signature]

[Signature]  
Commissioners