

ORIGINALDecision No. 56531

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Investigation into the)
 safety, maintenance, operations,)
 use and protection of crossings)
 at grade with public highways and) Case No. 5900
 streets and the lines of Key System)
 Transit Lines in the City of Oak-)
 land, County of Alameda, State of)
 California.)

John W. Collier, for the City of Oakland,
 and E. L. Van Dellen, for The Oakland
 Terminal Railway and The Western
 Pacific Railroad Company, respondents.
Hector Anninos, for the Commission staff.

O P I N I O N

By petition filed September 26, 1957, the City of Oakland requested a rehearing as to the division of costs of the protection ordered at West Grand Avenue and 22nd Street, crossing No. 7B-8.22, maintaining that the allocation of costs in paragraph (3) of the order of Decision No. 55545, dated September 10, 1957, in this proceeding is unfair and unreasonable. Rehearing was granted by Commission order, dated October 15, 1957.

Public hearing was held January 10, 1958 in San Francisco before Examiner Rowe at which time additional evidence was adduced and the matter submitted for decision.

The basis of dividing costs of protection against railroad hazards generally used in said decision was that the costs should be borne by The Oakland Terminal Railway and the City of Oakland. Upon rehearing evidence was introduced by the City and The Oakland Terminal Railway as to representative cases wherein

railroads and public bodies had reached agreements covering the apportionment of costs for providing grade crossing protection. In addition the City submitted evidence to the effect that provision for pre-empting for rail movements of the traffic signals at West Grand Avenue and Poplar Street amounted to \$2,250 and that such provision was necessitated solely by reason of train movements.

This Commission has been called upon to apportion grade crossing protection costs in many instances and has followed the general practice of dividing the costs of automatic protection at existing railroad crossings on a 50/50 basis between the railroad and the public body involved, subject to any necessary and reasonable deviations from the 50/50 basis as required by special circumstances at the crossing or crossings involved. The maintenance of such devices has been normally charged to the railroads.

In this particular case the traffic signals to be installed at the intersection of Poplar Street and West Grand Avenue will not only warn the motorist of approaching trains, but will control vehicular traffic at this busy intersection when no trains are in the vicinity. Thus it appears reasonable to assess the costs of the traffic signals, exclusive of the added costs due to circuits needed for train actuation, to the City of Oakland. This net cost is estimated to be \$4,000. The \$2,250 additional costs because of the train actuation plus the necessary track circuits, estimated at \$7,780, should be borne equally between the railroad and the City. Likewise the additional costs of improving the grade crossing signals at 14th Street crossing, estimated to be \$475, should be allocated equally between the City of Oakland and the railroad. The installation of the reflectorized crossing signs should be charged to the railroad. The maintenance of the additional street lighting

should be charged to the City inasmuch as it is not for the sole purpose of crossing protection, but rather for the general benefit of the users of the street.

In conclusion it appears that Decision No. 55545 should be modified so that the \$2,250 extra cost of the signals at Poplar Street and West Grand Avenue referred to above, be divided equally between the City and the Oakland Terminal Railway. The order will so provide.

O R D E R

Rehearing having been ordered, public hearing thereon having been held, and the matter now being under submission,

IT IS ORDERED that the estimated \$6,250 cost of installing standard pre-empted traffic signals at West Grand Avenue and Poplar Street, crossing 7B-8.22, shall be borne \$5,125 by the City of Oakland and \$1,125 by The Oakland Terminal Railway, or like proportional amounts as to costs exceeding \$4,000.00 should the actual cost be more or less than \$6,250.00.

IT IS FURTHER ORDERED that, as modified by the preceding ordering paragraph, the order in Decision No. 55545, dated September 10, 1957, is affirmed.

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

Dated at San Francisco, California, this 15th day of April, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

Theodore Bremer
Commissioners