

Decision No. 57810**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of)
 establishing a list for the year)
 1959 of railroad grade crossings)
 of city streets or county roads)
 most urgently in need of separa-)
 tion, as contemplated by Section)
 189 of the Streets and Highways)
 Code.)

Case No. 6161

Harold W. Kennedy, by Ronald L. Schneider, for
 County of Los Angeles; Thomas E. Selman, for
 City of Indio; Marshall W. Julian, for City of
 San Fernando; William E. Roe, for City of Paso
 Robles; Clayton W. Paige, for City of Burbank;
John C. Keefe, for City of San Bruno; Bartley
W. Cavanaugh, for City of Sacramento; Frederick
W. Sharp, for City of Pomona; Roland S. Woodruff,
 for Greater Bakersfield Separation of Grade
 District; Rex R. Mull, for County of Kern;
Harry B. Keebaugh, for City of San Gabriel;
Robert L. Jaffe and Robley Morgan, for City of
 Santa Clara; John T. O'Halloran, for City of
 Mountain View; respondents.

G. R. Mitchell, for Brotherhood of Locomotive
 Engineers; Thomas J. Woods, for Joseph Schlitz
 Brewing Co.; C. W. Dooling, for The Western
 Pacific RR Co.; F. G. Schurman, for Union Pacific
 Railroad Co.; Joseph H. Cummins, for The Atchison,
 Topeka & Santa Fe Ry. Co.; Louis A. Gretz, for
 Southeast Industrial Area Association Inc.;
Roger Arnebergh, Alan G. Campbell and T. M. Chubb,
 for City of Los Angeles; Harold S. Lentz and E. D.
Yeomans, for Pacific Electric Co.; Harold S. Lentz
 and Randolph Karr, for Southern Pacific Co.,
 Northwestern Pacific Railroad Co., San Diego &
 Arizona Eastern, Petaluma & Santa Rosa, Central
 Pacific Railroad, Sunset Railway, Holton Inter-urban
 Ry. Co., and Visalia Electric; George D. Moe and
Warren P. Marsden, for State of California Department
 of Public Works; H. Cushman Dow, for The Western
 Pacific Railroad Co.; Leonard M. Wickliffe, for
 California State Legislative Committee, Order of
 Railway Conductors and Brakemen; interested parties.

Elmer Sjostrom, for the Commission's staff.

O P I N I O N

Sections 189-191 of the Streets and Highways Code provide
 that the annual budget of the Department of Public Works shall include

the sum of \$5,000,000 to be set aside for allocations to grade separation projects and that said allocations shall be made for one-half the estimated cost of a project after deducting therefrom any contribution by the railroad involved. This Commission is assigned the responsibility of furnishing the Department of Public Works a priority list from which allocations are made. The allocation of money is made by the Department of Public Works and the California Highway Commission. Allocations may not exceed \$5,000,000 in any fiscal year.

This proceeding is an investigation upon the Commission's own motion to establish and furnish to the Department of Public Works the second annual priority list setting forth the crossings at grade in the state which are most urgently in need of separation.

Duly noticed public hearings were held in this matter before Examiner Donald B. Jarvis in Los Angeles on October 27, 28 and 29, and in San Francisco on October 30 and November 1 and 2, 1958.

The order instituting this investigation was served upon each city, county, and city and county in which there is a railroad grade crossing; each railroad corporation; the Department of Public Works; the California Highway Commission; the Greater Bakersfield Separation of Grade District; the League of California Cities; the County Supervisors Association; and other persons who might have an interest in the proceedings.

The Order Instituting Investigation requested that public bodies desiring to "nominate" crossings furnish the Commission with the following information:

1. Identification of crossing, including name of street or road, name of railroad, and crossing number.
2. Twenty-four-hour vehicular traffic volume count.
3. Twenty-four-hour train count.

4. Type of separation proposed (overpass or underpass).
5. Cost estimate of project, if available.
6. Statement as to the amount of money available for construction of the project.
7. Statement as to need for the proposed improvement.

"Nominations" were received until the matter was submitted after the public hearings.

At the hearings the Commission staff nominated 12 crossings, not otherwise nominated, which were deemed to be in need of grade separations. These crossings were as follows:

City of Alhambra	B-487.4 B-488.5	Fremont Avenue Atlantic Boulevard
City of Fresno	2-998.3	Fresno Street
City of Los Angeles	2-143.29-C 3-1.5-C	Santa Fe Avenue
Merced County	2-1062.7	Buhoch Road
Sacramento County	A-96.2	Grand Avenue
City of San Bruno	E-11.1 E-11.0	San Mateo and San Bruno Avenues
San Diego County	2-237.8 2-241.8	San Marcos Road Plaza Street
City of San Mateo	E-17.9 & E-18.0	3rd and 4th Avenues
City of Vernon	2-144.5	Downey Road
Yolo County	A-88.1 to A-88.4	Vicinity of Broderick

The public bodies affected did not come forward to prosecute these staff nominations. It should be noted, however, that the City of Los Angeles, in this proceeding, did vigorously prosecute nominations other than the one submitted by the staff and that a representative of the City of San Bruno appeared and acknowledged to this Commission the great need for a grade separation at the crossing in question but stated that the city did not have the money to finance its share of the proposed project. The Southwest Industrial Area Association, Inc., appeared as an interested party and supported

the staff nomination in the City of Vernon, but the city itself did not appear. The representative of the Industrial Association asked that the Commission staff attempt to arrange a meeting between all interested parties with a view to formulating plans to provide a grade separation for the crossing. The Brotherhood of Locomotive Engineers and the Order of Railway Conductors and Brakemen appeared as interested parties and supported various nominations. The Brotherhood made certain nominations which were not prosecuted by the public bodies involved. The cities of Oakland, Richmond, San Fernando and San Gabriel filed nominations but each of these cities represented to the Commission that it would be unable to undertake the proposed separation during 1959.

Section 189 of the Streets and Highways Code provides in part that: "The [Public Utilities] Commission shall include in its listing only such crossings which in its judgment are most urgently in need of separation, taking into consideration the possibility of financing the same under the provisions of this code." (Emphasis added.) This Commission is of the opinion that there is no reasonable probability that any of the nominations referred to in the preceding paragraph could be financed during 1959 by the local public agency involved and none of them has been included in the second annual priority list.

The record discloses that during 1958 the Highway Commission did not allocate all of the \$5,000,000 appropriated by the Legislature for grade separation projects. The sum of \$4,174,765.31 was allocated while \$825,234.69 reverted to the State Highway Fund. Four public bodies were denied allocations on the ground that they had not satisfied various legal requirements as interpreted by the Highway Commission. These four public bodies, together with other public bodies which had crossings included in the first annual priority list, have, in

this proceeding, renominated said crossings. Under the law, there is no carryover from a previous priority list. This Commission must, each year, determine anew the order of priority among the nominations before it. No preference is given a nomination because it was on a prior priority list. Each nomination must stand upon its own merits.

This Commission utilized five major factors in determining priority among the nominations. These factors were:

1. The accident potential.
2. The traffic potential, vehicular and rail.
3. The economic benefit to be derived.
4. The cost of a project.
5. The state of financial readiness of the local governmental agency concerned.

Accident potential, together with financial readiness, was a strong factor in the determination of the second annual priority list. However, there were many crossings nominated in this proceeding which did not have critical accident factors. In considering these crossings, the other major factors had more importance with respect to determining priority. It is anticipated that over the course of the next few years the crossings with extremely high accident potentials will be replaced with separations. As this is accomplished the other major factors will assume more relative importance and there will be added to said factors additional ones, including vehicular delay costs.

Each of the nominations presented to this Commission in the proceeding has merit. This Commission has carefully considered all of the nominations and has established the priority list which follows. This list, in referring to the various projects, in each instance includes a reference to one or more grade crossings to be eliminated. This elimination is a vital and necessary part of the

project and if it should be excluded such project would automatically no longer be on the list.

PRIORITY LIST OF GRADE SEPARATION
PROJECTS FOR THE YEAR OF 1959
PURSUANT TO SECTION 189 OF THE STREETS AND HIGHWAYS CODE

<u>Priority No.</u>	<u>Crossing No(s).</u>	<u>Street or Streets (existing crossings to be eliminated)</u>	<u>Street (separation)</u>	<u>Local Agency</u>
1	B-314.4	Mt. Vernon Ave.	Mt. Vernon Ave.	County of Kern
2	B-313.5	Hailey St.	Bonle Ave.	Greater Bakersfield Sep. of Grade Dist.
3	2-1121.35 4-94.05-C 4-94.0-C D-91.24-C 2-1121.3 4-93.95-C 4-93.9-C D-91.26-C	So. Center St.) So. Center St.) So. Center St.) So. Center St.) So. El Dorado St.) So. El Dorado St.) So. El Dorado St.) So. El Dorado St.)	So. Center St. So. El Dorado St. (twin overpass)	City of Stockton
4	E-44.3	Brokaw Rd.	De LaCruz Blvd.	City of Santa Clara
5	E-214.9	Twenty-Sixth St.	24th Street	City of Paso Robles
6	4-136.0	Sutterville Rd.	Sutterville Rd.	City of Sacramento
7	E-0.13 E-0.18 E-0.23	Fourth St.) New Fourth St.) Jordan Alley)	Fourth St.	City of San Francisco
8	E-34.7	San Antonio Rd.	San Antonio Rd.	City of Mt. View
9	E-460.3	Hollywood Way	Hollywood Way	City of Burbank
10	B-513.9 3-31.5 B-514.0 3-31.7	White Ave) White Ave.) Rebecca St.) Rebecca St.)	White Ave.	City of Ponoma
11	DA-46.7	San Pedro St.	Market-Coleman Comm.	City of San Jose
12	E-456.2	Woodman Ave.	Woodman Ave.	City of Los Angeles
13	B-207.2 2-995.6	Jenson Ave. Jenson Ave.	Jenson Ave.	County of Fresno
14	B-610.9	Jackson St.	Oasis St.	City of Indio

Priority No.	Crossing No(s).	Street or Streets (existing crossings to be eliminated)	Street (separation)	Local Agency
15	2-287.35	Chester Ave.	Chester Ave.	Greater Bakersfield Sep. of Grade Dist.
16	B-502.4	Anaheim-Puente Road	Anaheim-Puente Road	County of Los Angeles
17	4-201.7	Kusel Road	Kusel Road	County of Butte
18	B-420.8	Angeles Forest Hwy.	Angeles Forest Hwy.	County of Los Angeles
19	A-10.67	Buchanan Street	Buchanan Street	City of Albany

O R D E R

The Commission having on its own motion instituted the above investigation, public hearings having been held and the Commission being fully advised,

IT IS ORDERED that the Secretary furnish a full, true and correct copy of this decision and order to the State Department of Public Works.

The effective date of this decision and order shall be the date hereof.

Dated at San Francisco, California, this 31st day of December, 1958.

E. J. Fox
President
John H. H. H. H.
William H. H. H.
Paul H. H. H.
Theodore H. H. H.
Commissioners