

**ORIGINAL**

Decision No. 59648

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operations, use and protection of crossings at grade of publicly used roads and the tracks of the Union Pacific Railroad Company at Mile Post 3-169.9 and Mile Post 3-177.5 in the County of San Bernardino in the State of California. )

Case No. 6356

William Irl Kennedy, for Union Pacific Railroad Company, respondent.  
Elmer A. Piercy, for Victorville Lime Rock Company; Walter S. McElroy, for Toomey Crossing; Kenneth Wilhelm, for Manix Group; and Kenneth L. Willits, for Federal Aviation Agency, protestants.  
George F. Zimmerman, for County of San Bernardino; C. R. Mitchell, for Brotherhood of Locomotive Engineers; and K. M. Fletcher, for Sierra Oil & Gas Company, interested parties.  
Elmer Sjostrom, for the Commission staff.

O P I N I O N

The above-entitled matter is an investigation on the Commission's own motion into the safety, maintenance, operation, use and protection of two grade crossings in San Bernardino County of the tracks of the Union Pacific Railroad Company described as Mile Post 3-169.9, east of Toomey, and Mile Post 3-177.5, Manix.

A public hearing on the matter was held in Barstow, California, before Examiner Kent C. Rogers, on December 16, 1959. Prior to the hearing, notice thereof was mailed to parties who

had indicated a desire to be present, and to the Board of Supervisors of San Bernardino County.

The two crossings involved are located in San Bernardino County. U. S. Highway 91-466 runs generally east and west between Barstow, Yermo and Las Vegas. The Union Pacific railroad tracks, in the vicinity of the crossings involved in this proceeding, are approximately 130 feet south thereof and parallel thereto. The Toomey crossing is approximately six miles east of Yermo and the Manix crossing is approximately fifteen miles east of Yermo.

At the Toomey crossing there is one main line track across the road at approximately 85 degrees. Plank and macadam approaches are at the crossing and the approaches are approximately twelve feet in width. Both approach grades are approximately 10 percent, view conditions are good, and the crossing is protected by two Standard No. 1 crossing signs (G.O. 75-B) and one advance warning sign.

At the Manix crossing there are one main line track, one siding, and one spur track. The angle of the crossing is 90 degrees. The crossing is plank and rock, the approaches are gravel beyond the crossing, and are approximately twelve feet in width. The grades of approach are two percent from the north and 6 percent from the south, view conditions are good, and the protection consists of two Standard No. 1 signs, with "two tracks" signs added.

There is no record of any accidents at either crossing.

Vehicular traffic counts were made by the Highway Department of San Bernardino County on March 11 and October 26, 1959, and the following table sets forth the data recorded:

<u>Date</u>	<u>Vehicles per 24 hours</u>	
	<u>Toomey</u>	<u>Mannix</u>
March 11, 1959	16	7
October 26, 1959	20	101

The increase in traffic at the Manix crossing on October 26, 1959, over March 11, 1959, is largely due to the fact that an oil well is being drilled immediately south and east of the crossing. This traffic will drop to normal if the well does not produce oil, and it is possible the traffic will increase if the well produces oil.

The daily average number of rail movements is eight passenger trains and fourteen freight trains at each location. The maximum allowable speeds on the main line are 79 miles per hour for passenger trains and 60 miles per hour for freight trains.

Each crossing provides access to and from U. S. Highway 91-466 by two graveled undedicated roads leading to and from homes south of the tracks. There is a county road (Harvard) crossing approximately half way between the two roads and, if the crossings were closed, access to the highway is possible by means of long circuitous routes (see Exhibit No. 3).

The Board of Supervisors of San Bernardino County opposes the closing of the crossings.

The Road Department of San Bernardino County, on December 14, 1959, authorized the improvement of both crossings to the Public Utilities Commission standards, and the incorporation of the crossings and the access roads into the county-maintained road system.

The Toomey crossing will be moved slightly west to conform to the section line. The Road Department requests that the roads be allowed to remain open, and an assistant road commissioner

stated that the work of improving the crossings will be completed within six months to one year.

A Commission engineer investigated the crossings and made a report thereon (Exhibit No. 1). At the time of his investigation the county had indicated no intention to improve the crossings. He stated in his report that the view conditions at both crossings are very good but that they must be considered hazardous because of the narrow widths and excessive grades of approach, and stated that if the crossings are closed some of the present users will be greatly inconvenienced by reason of having to travel via the circuitous alternate routes and across the Union Pacific tracks at the Harvard crossing, which is the crossing approximately midway between the two involved. He recommended that the crossings be ordered closed and physically removed unless private crossing agreements are entered into or San Bernardino County assumes jurisdiction and seeks authority within a reasonable time to improve the crossings for public use. As stated above, the county has agreed to improve the crossings, and requests that it be given approximately one year in which to complete the required improvement.

Upon the evidence of record, the Commission is of the opinion and finds that public safety requires that both crossings be closed to all traffic, both vehicular and pedestrian. In view of the fact the San Bernardino County Road Department intends to improve the crossings to conform to Commission's standards, the closing will be deferred for a period of not to exceed one year, with the proviso that if during said period the crossings are improved in a manner satisfactory to the Commission, the investigation will be discontinued.

O R D E R

An investigation on the Commission's own motion having been instituted, a public hearing thereon having been held, the Commission being fully advised and basing its decision on the evidence of record,

## IT IS ORDERED:

(1) That one year from the effective date of this order, the grade crossings of the Union Pacific Railroad Company tracks at Toomey, Mile Post 3-169.9, and at Manix, Mile Post 3-177.5, in the County of San Bernardino, shall be closed by the Union Pacific Railroad Company to all vehicular and pedestrian traffic by constructing fences or other proper barriers, and the street surface shall be removed from the railroad right of way at the sole cost of said company; unless prior to that time the County of San Bernardino improves said crossings in their present locations, to be identified as Crossing No. 3-169.9 at Toomey and Crossing No. 3-177.5 at Manix, or either of them, to conform with or exceed the following minimum standards. Protection at each crossing shall be by two Standard No. 1 crossing signs (G.O. 75-B) with reflex reflecting sheet material. Construction of said crossings shall be equal or superior to Standard No. 2 of General Order No. 72, of a minimum width of 24 feet, roadways flush with tops of rails and grades of approach not exceeding four per cent. In the event the County of San Bernardino elects to establish either of the existing crossings at a different location, formal authority for such crossing shall be secured in advance through formal filing in accordance with the Commission's Rules of Procedure.

(2) That in the event the crossings, or either of them, are not improved as above specified within said one-year period, and are closed, within thirty days after such closure the Railroad shall give the Commission written notice of the compliance with this order.

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

Dated at San Francisco, California,  
this 7<sup>th</sup> day of FEBRUARY, 1960.

*Everett W. Perry*  
President

*Walter E. ...*

*William ...*

*Theodore ...*

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Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.