

ORIGINALDecision No. 61272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the year 1961 of railroad grade crossings of city streets or county roads most urgently in need of separation, or existing separations in need of alteration or reconstruction as contemplated by Section 189 of the Streets and Highways Code.

Case No. 6898

Lawrence A. Hutton for City of Colton; F. C. Butcher for the City of Burbank; Duffy Atkinson for the City of Glendora; Harold W. Kennedy and Ronald L. Schweider, by Ronald L. Schweider, for the County of Los Angeles; Roger Arnebergh and Alan G. Campbell, by Alan G. Campbell, and Robert V. Tarbet and Robert W. Russell, by Thomas V. Tarbet, for the City of Los Angeles; Thomas E. Selman for the City of Indio; Alfred R. Theal for the City of Riverside; Eugh N. Foreman, Jr., for the City of Santa Ana; David N. M. Berk, for the City of Beaumont; Robert Graham for the County of Nevada; Mark L. Kermit for Contra Costa County; Frederick M. Cunningham for the City of Oakland; Clifford J. Geertz for the City and County of San Francisco; Henry J. Andreas, Samuel M. Black, and Peter G. Koltnow, for the County of Fresno; Donald M. Somers for the City of Sunnyvale; Jack E. Van Zandt for the City of Santa Clara; A. E. Rhoades, Jr., for the County of Yolo; Stanley Twardus and A. P. Hamann for the City of San Jose; and John E. Wright, Ralph Jensen, and R. McSheehy, for the City of Albany; respondents.

J. E. Cummins for The Atchison, Topeka & Santa Fe Railway Company; Randolph Karr, E. D. Yeomans and H. S. Lentz, by Randolph Karr, for the Southern Pacific Company; Richard Douglas McClain for Union Pacific Railroad Company; G. R. Mitchell for Brotherhood of Locomotive Engineers; Warren P. Marsden and George D. Moe, by George D. Moe, for Department of Public Works; John G. Moffatt for the City of Vernon; and N. B. Smith for the City of San Mateo; interested parties.

Elmer J. Sjostrom and James K. Gibson for the Commission staff.

O P I N I O N

This proceeding is an investigation upon the Commission's own motion to establish and furnish to the Department of Public Works the 1961 annual priority list setting forth the railroad crossings at grade and existing railroad grade separations in the State which are most urgently in need of separation or alteration. 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 for allocation to construction of new grade separations or alterations made to existing grade separations on city streets and county roads. These allocations are made for one-half of the estimated cost of the project after deducting therefrom the contribution by the railroad involved. The actual allocation of money is made by the Department of Public Works and the California Highway Commission. It is the duty of this Commission to furnish to the Department of Public Works a priority list from which the allocations are made.

A duly noticed public hearing was held in this matter before Examiner Donald B. Jarvis in Los Angeles on October 26 and 27 and in San Francisco on November 7 and 9, 1960. The matter was submitted, subject to the filing of certain late-filed exhibits which have been filed.

The order instituting this investigation was served upon each city, county, and city and county in which there is a railroad grade crossing or separation; 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 or separations for inclusion on the 1961 priority list furnish the Commission with the following information:

For Crossings At Grade Proposed for Elimination

1. Identification of crossing, including name of street or road, name of railroad, and crossing number.
2. Twenty-four hour vehicular traffic volume count, by hours.
3. Log of train movements for one typical day showing
 - (a) Time of passage of each train movement.
 - (b) Length of time crossing was blocked for each train movement.
 - (c) Type of each train movement, i.e., passenger, through freight, or switching.
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.

For Grade Separations Proposed for Alteration

1. Identification of crossing, including name of street or road, name of railroad, and crossing number.
2. Twenty-four hour vehicular traffic volume count, by hours.
3. Description of existing separation structure, with principal dimensions.
4. Type of alteration proposed.
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.

At the hearing, the Commission staff nominated various crossings and separations, not otherwise nominated, which were

deemed to be in need of separation or alteration. Three cities, Indio, San Mateo and Vernon, and the County of Yolo, came forward to prosecute staff nominations for separations in their respective areas. The remaining public bodies affected did not come forward to prosecute the other staff nominations. In some instances this was due to the fact that the public body involved was prosecuting another nomination.

A representative of the Brotherhood of Locomotive Engineers gave probative testimony with respect to crossings nominated by various public bodies. In addition, he nominated other crossings which the brotherhood consider to be extremely hazardous.

Section 189 of the Streets and Highways Code provides in part that: "The [Public Utilities] Commission shall include in such [priority] listing only such crossings which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code." (Emphasis added.) In view of this statutory language the Commission, as a general rule, does not include on the priority list separations or alterations nominated by the Commission staff, Brotherhood of Locomotive Engineers and other interested parties where nomination of these crossings is not otherwise prosecuted by the public body involved. This is because if the public body concerned does not urge a particular nomination there is usually no reasonable probability that the project could be financed during the year in which the priority list is in effect. However, the evidence in this proceeding discloses a situation which calls for a deviation from the general rule. The evidence adduced at the hearing by the Commission staff and the Brotherhood of Locomotive Engineers indicates that the crossing of Kusel Road and the

Western Pacific Railroad tracks in Butte County is extremely hazardous. The crossing is in a cut and there is no visibility for an approaching motorist. Heavy industry is moving into the area and the crossing will become more hazardous as the years go by. The estimated cost of a grade separation at Kusel Road is \$40,000. Assuming a ten percent contribution by the railroad and an allocation from the grade separation and alteration fund, the cost to Butte County to accomplish this extremely worthwhile project would be approximately \$12,000. Because of the relatively small amount of money involved, it is possible for the Butte County Board of Supervisors to appropriate the required money during 1961 to finance and effectuate the project. Therefore, Kusel Road has been included on the 1961 priority list.

The City of Sunnyvale nominated for separation the crossing at Mathilda Avenue and the Southern Pacific Company tracks. The city, in connection with the nomination, called to the Commission's attention the fact that Mathilda Avenue is presently part of State Highway 114 and it is scheduled to revert back to the city in 1965 after completion of the parallel Stevens Creek Freeway. The City of Sunnyvale desires to construct a grade separation at Mathilda Avenue prior to 1965 and has budgeted and accumulated some funds for this purpose. The city notes the question of whether it can receive an allocation for Mathilda Avenue from the grade separation and alteration fund prior to Mathilda Avenue reverting back to the city in 1965. Because of the nature and scope of this proceeding, the Commission does not deem it proper to pass upon this question on the record here involved. The Mathilda Avenue separation has been considered along with all other nominations and assigned a place on the 1961 priority list.

The Commission staff presented an exhibit which analyzed the nominations and related data filed pursuant to the order of

investigation with respect to certain tangible and intangible factors. The tangible factors were traffic, cost, accident record, state of readiness and delay. The intangible factors were potential traffic, position and relation to city street pattern, relationship to railroad operations, available alternate routes, and accident potential.

The Southern Pacific Company produced a witness who testified that in his opinion all relevant factors for determining priority should be converted into dollar amounts and that the crossings should be ranked in terms of monetary benefit to society. The witness conceded that the placing of specific monetary values upon various factors was a subjective matter fraught with controversy.

The Commission is of the opinion that there is no objective formula by which the priority of separations and alterations can be established by simply using mathematical calculations. The matter is one which calls for the application of expert judgment within the province of this Commission. The Commission in exercising its judgment in promulgating an annual priority list will carefully consider all evidence including suggested factors, formulae and modes of investigation proposed by the Commission staff, the railroad companies, public bodies and any other interested person.

The priority list, in referring to the various projects, in each instance, includes a reference to one or more grade crossings to be eliminated. Elimination of an existing crossing at grade (alterations to existing separation structures excepted) is a necessary part of the project and if it should be excluded such project would automatically no longer be on the list.

The Commission, after considering all of the nominations, has established the following priority list for 1961:

PRIORITY LIST OF GRADE SEPARATION PROJECTS OR ALTERATIONS
FOR THE YEAR 1961.
PURSUANT TO SECTION 189 OF THE STREETS AND HIGHWAYS CODE

<u>Priority Number</u>	<u>Crossing Nos.</u>	<u>Street or Streets (existing crossings) to be eliminated</u>	<u>Street Separation</u>	<u>Local Agency</u>	<u>Railroad</u>
1	B-207.8) 2-995.6)	Jensen Avenue	Jensen Avenue	Fresno County	(S.P. Co. & A.T. & S.F.)
2	2B-11.3-A	*	Ivy Street	City of Riverside	A.T. & S.F.
3	A-222.66	*	Floriston Road	Nevada County	S.P. Co.
4	4-201.7	Kusel Road	Kusel Road	Butte County	W.P. Co.
5	E-2.5-B	*	Evans Avenue	City and County of S.F.	S.P. Co.
6	2E-15.4-B	*	Aviation Blvd.	Los Angeles County	A.T. & S.F.
7	E-43.6-B	*	Lafayette Street	City of Santa Clara	S.P. Co.
8	E-458.1	Laurel Canyon- Sherman Way	Laurel Canyon- Sherman Way	City of Los Angeles	S.P. Co.
9	B-472.8	Alameda Avenue	Alameda Avenue	City of Burbank	S.P. Co.
10	A-88.1) A-88.2) A-88.3) A-88.4)	4th, 5th and/or 3rd, & 6th	5th Street	Yolo County	S.P. Co.
11	B-562.4	Beaumont Avenue	Beaumont Avenue	City of Beaumont	S.P. Co.
12	2-175.6) BK-517.15)	First Street	First Street	City of Santa Ana	(A.T. & S.F. & S.P. Co.)
13	2-1157.5-B) B-47.2-B)	*	Willow Pass Road	Contra Costa County	(A.T. & S.F. & S.P. Co.)
14	A-10.67	Buchanan Street	Buchanan Street	City of Albany	S.P. Co.
15	E-45.9-B	*	Taylor Street	City of San Jose	S.P. Co.
16	D-9.0) 4-8.9)	23rd Avenue	23rd Avenue	City of Oakland	(S.P. Co. W.P. Co.)

<u>Priority Number</u>	<u>Crossing Nos.</u>	<u>Street or Streets (existing crossings) to be eliminated</u>	<u>Street Separation</u>	<u>Local Agency</u>	<u>Railroad</u>
17	2B-3.5	N Street	M Street	City of Colton	A.T.&S.F.
18	B-502.4	Anaheim-Puente Road	Anaheim-Puente Road	Los Angeles County	S.P. Co.
19	2-144.5	Downey Road	Downey Road	City of Vernon	A.T.&S.F.
20	2-114.2	Glendora Avenue	Glendora Avenue	City of Glendora	A.T.&S.F.
21	E-460.8	Hollywood Way	Hollywood Way	City of Burbank	S.P. Co.
22	B-610.9	Jackson Street	Oasis Street	City of Indio	S.P. Co.
23	6A-2.76-C	Alameda Street	Alameda Street	City of Los Angeles	Pac. Elec.
24	E-38.6	Mathilda Avenue	Mathilda Avenue	City of Sunnyvale	S.P. Co.
25	E-20.3	Hillsdale Blvd.	Hillsdale Blvd.	City of San Mateo	S.P. Co.
26	E-51.7	Hillsdale Avenue	Hillsdale Avenue	City of San Jose	S.P. Co.
27	2-887.6	F Street	F Street	Greater Bakersfield Separation of Grade Dist.	A.T.&S.F.
28	A-14.5	23rd Street	23rd Street	City of Richmond	S.P. Co.
29	A-15.6	Kearney Street	Kearney Street	City of Richmond	S.P. Co.
30	A-13.8	Cutting Blvd.	Cutting Blvd.	City of Richmond	S.P. Co.
31	A-11.6	Central Avenue	Central Avenue	City of Richmond	S.P. Co.
32	A-13.1	South 47th Street	South 47th Street	City of Richmond	S.P. Co.
33	A-14.9-B	*	Macdonald Avenue	City of Richmond	S.P. Co.
34	A-34.7	Ferry Street	Ferry Street	City of Martinez	S.P. Co.

* Indicates Alteration of Existing Structure.

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 shall furnish a true and correct copy of this decision and order to the State Department of Public Works.

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

Dated at San Francisco, California,
this 27th day of December, 1960.

Ernest W. Sage
President

Walter E. D. [unclear]

Walter [unclear]

E. J. Fox

Theodore J. Deane
Commissioners