

**ORIGINAL**

Decision No. 55811

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operations, use and protection of crossings at grade with public highways and streets and the lines of the Southern Pacific Company in the City of Red Bluff, State of California.

Case No. 6527

In the Matter of the Application of the City of Red Bluff for the recognition and continuance in use of an existing Walton Avenue Crossing over the tracks of the Southern Pacific Company under the provisions of Sections 1201 - 1205 of the Public Utilities Code.

Application No. 40976

Edmund M. Moor and James G. Ford, for the City of Red Bluff, applicant and respondent.  
Randolph Karr, for Southern Pacific Company, protestant and respondent.  
George D. Moe, for the State of California, Department of Public Works, Division of Highways; G. R. Mitchell, for Brotherhood of Locomotive Engineers; and Leonard M. Wickliffe, for California State Legislative Committee, Order of Railway Conductors and Brakemen; interested parties.  
Elmer Siostrom, for the Commission staff.

O P I N I O N

On March 30, 1959, the City of Red Bluff filed Application No. 40976, alleging that Walton Avenue is a dedicated street within the city which has been used by the public for thirty years. The

application then requests an order from this Commission to officially establish the intersection of Walton Avenue with the Southern Pacific Company tracks as a public grade crossing.

On June 14, 1960, the Commission instituted an investigation of the crossings over the Southern Pacific Company tracks within the City of Red Bluff, located at Oak Street (No. C-223.2), Pine Street (No. C-223.3), Walnut Street (No. C-223.4), Hickory Street (No. C-223.45), Cedar Street (No. C-223.5), Union Street (No. C-223.6), Crittenden Street (No. C-223.7), Breckenridge Street (No. C-223.9), and Walton Avenue (No. MP-224.4), for the purpose of determining whether any or all of these crossings may be hazardous to the public safety, and whether or not public safety, convenience and necessity require any of these crossings to be altered, relocated, separated, or closed to public use; also to prescribe the terms and conditions under which any closing, alteration, relocation, separation, maintenance, or installation of protective devices at said crossings shall be made, and the portion of the expense thereof which shall be allocated and apportioned between the Southern Pacific Company and the City of Red Bluff. The Order also directed that the investigation be consolidated with Application No. 40976 for hearing.

The matters were submitted on briefs on March 4, 1963, at the conclusion of 16 days of hearing. The extensive record comprises 63 exhibits, with numerous maps, reports and photographs, along with 1,834 pages of transcript compiled in 16 volumes. Evidence was presented by the Commission staff, the Southern Pacific Company, the City of Red Bluff, the Division of Highways, Department

of Public Works, State of California, and the Brotherhood of Locomotive Engineers.

### The Crossings

All of the crossings are located at grade on Southern Pacific Company's Shasta Route (Siskiyou) main line. The railroad runs generally north and south and the streets all connect the east and west portion of Red Bluff. Crittenden Street intersects the railroad at an angle of  $70^{\circ}$ , Breckenridge Street at an angle of  $50^{\circ}$ , and the balance of the crossings at  $90^{\circ}$ . U. S. Highway 99 runs through Red Bluff in a north and south direction, parallel to the railroad and about  $3\frac{1}{2}$  blocks to the east. The business district is located along U. S. 99 and extends as far west as the railroad.

The first streets crossing U. S. Highway 99 north of the southern city limit are Willow, Ash, Sycamore, and Elm. All of these streets are blocked off on each side of the railroad tracks. The next nine streets are all in the central district and eight of them cross the Southern Pacific tracks and are briefly described below:

#### Oak Street (C-223.2)

This street has a paved width at the crossing of approximately 54 feet. There are four separate tracks with about 65 feet between outermost rails. Visibility at the crossing is good and all parties are of the opinion that this crossing should remain open.

#### Pine Street (C-223.3)

The paved width of the crossing, the number of tracks (one main and three side tracks), and the maximum distance between rails are the same as on the Oak Street crossing. Visibility is good, but is dependent on whether freight cars are parked at one or more points on the side tracks. The Commission staff and the City

of Red Bluff have recommended that this crossing continue to be used. The Southern Pacific Company prefers it be closed.

Walnut Street (C-223.4)

The paved width of this crossing is 74 feet. It has four tracks with fair visibility from the highway along the track. This is the crossing with the most vehicular traffic and all parties are agreed that it should be kept open.

Hickory Street (C-223.45)

The crossing width is 52 feet over four separate tracks. It is located between and a short city block (approximately 350 feet) away from Walnut Street to the south and Cedar Street to the north. The Commission staff and the Southern Pacific Company have recommended closing this crossing. The City of Red Bluff prefers that it be kept open.

Cedar Street (C-223.5)

This street has a paved width at the crossing of 50 feet, over five tracks. It has good visibility along the tracks and all parties are agreed this crossing should remain open.

Union Street (C-223.6)

The crossing has a paved width of 44 feet over three tracks. Traffic counts placed in evidence indicate this crossing is not used as often as the other crossings. The Commission staff and the Southern Pacific Company have recommended that this crossing should be closed. The City of Red Bluff prefers that it remain open.

Crittenden Street (C-223.7)

This street has a paved width at the crossing of only 36 feet, over three tracks, with approximately 23 feet between the most distant rails. This street was extended to 55 feet in width

on both sides of the actual crossing by the City of Red Bluff during 1962. New curbs and gutters have been installed and the Commission staff and City of Red Bluff have recommended that the crossing be extended to match the approaches in width and that it remain open. The Southern Pacific Company has requested that it be closed.

Douglass Street

This street runs parallel with and is between Crittenden and Breckenridge Streets. It is blocked on both sides of the track and cannot be used to cross the railroad. This street is not involved in the investigation proceeding nor in the application.

Breckenridge Street (C-223.9)

This street crosses a single track and has a paved width at the crossing of only 24 feet. The City of Red Bluff widened the street on each side of the crossing to approximately 50 feet during 1962. New curbs and gutters have been installed and the Commission staff and City of Red Bluff have recommended that the crossing be widened to match the width of the approaches and that it remain open. The Southern Pacific Company also is in favor of keeping this crossing open.

North of Breckenridge Street is a small stream called Brewery Creek, then an area approximately 1,500 feet long, which contains very few buildings and no public streets. North of this vacant terrain is a built-up section of Red Bluff which has five streets running in an east-west direction, named (from south to north) Manzanita, Treasure Drive, Encinal Drive, Beverly Avenue and Walton Avenue. The first four do not cross the railroad, although the Southern Pacific Company has recommended that Treasure

Drive be extended over the tracks at separated grades to connect with the highway as a replacement for Walton Avenue.

Walton Avenue (MP-224.4)

The intersection of Walton Avenue with the Southern Pacific Company railroad tracks is identified as Crossing No. MP-224.4, but it is not listed as a public crossing in the records of the Public Utilities Commission. The City of Red Bluff has applied to have it officially designated and listed as a public crossing. The Southern Pacific Company maintains this Commission has no jurisdiction to declare it a public crossing and that the crossing should be closed. The Commission staff recommended that the crossing remain open, after it is widened and proper automatic signals are installed.

The avenue crosses two tracks approximately 14 feet apart and is only 22 feet wide. The street is the same width as the crossing. It crosses the railroad tracks and ends 65 feet east of the tracks by connecting with State Highway No. 99.

Except for Walnut Street, which extends out of town to the west, and Oak Street, which continues out of town to the east, the streets crossing the railroad extend only about five blocks to either side of the tracks. The crossings are only about 400 feet apart, with the exception of Walton Avenue, which is located at the extreme north end of Red Bluff.

Oak and Walnut Streets presently have automatic protection in the form of flashing light signals. Crittenden and Breckenridge are protected by Standard No. 3 wigwag signals. The remaining crossings do not have automatic protection.

Position of the Commission Staff

A Commission engineer made the recommendations set out in the following table, which is extracted from Exhibit No. 1.

GENERAL INFORMATION ON GRADE CROSSINGS OF SOUTHERN PACIFIC COMPANY IN THE CITY OF RED BLUFF, TEHAMA COUNTY

: Name of Street	: Width of Crossing	: Maximum Grade of Approach	: Vehicular Traffic (24 Hrs.)	: Accidents Since Jan, 1950	: Protection and Recommendations	
Oak	52 Ft.	+1%	0%	2,867 DPW Nov. '59 Jan. '60	4 - 6 2-#8 F. L. 2W47R 1 overhead street light.	Install guard rail on main line. RR and City rebuild crossing to obtain smoother riding crossing. ROR by City. DWS by City.
↑ .07 mi.						
Pine	52 Ft.	0%	0%	803 DPW Nov. '59 Jan. '60	3 - 3 2-#1 signs 2W47R 1 overhead street light.	Repair main line crossing. Install guard rail on main line. Install 2-#8 F. L. ROR by City. DWS by City. City pursue possibility of constructing grade separation.
↑ .07 mi.						
Walnut	74 Ft.	0%	-1%	8,138 DPW Nov. '59 Jan. '60	2 - 2 2-#5 F. L. 2W47R 2 overhead street lights.	ROR by City. DWS by City.
↑ .07 mi.						
Hickory	50 Ft.	0%	0%	977 PUC 6-27-60	5 - 1 2-#1 signs 2W47R 1 overhead street light.	CLOSE CROSSING.
↑ .07 mi.						
Cedar	50 Ft.	0%	0%	1,045 PUC 6-28-60	2 - - 2-#1 signs 2W47R 1 overhead street light.	Install 2-#8 F. L. Install guard rail on main line. Construct sidewalk on so. side of street from Monroe to Madison. ROR by City. DWS by City.

GENERAL INFORMATION ON GRADE CROSSINGS OF  
SOUTHERN PACIFIC COMPANY IN THE CITY OF RED BLUFF, TEHAMA COUNTY

: Street :	: Crossing :	: Maximum :		: Vehicular :	: Traffic :	: Accidents :	: Since :	: Protection :	
		: East :	: West :					: and :	: Recommendations :
: of :	: of :	: Approach :	: Grade of :	: (24 Hrs.) :	: (24 Hrs.) :	: No. :	: K:I :	: Present :	: Proposed :
Cedar (Continued)									
	↑								
	.07 mi.								
Union	↓	44 Ft.	-1%	-1%	530	1	--	2-#1 signs	CLOSE CROSSING.
	↑				FUC			2WLT <sub>R</sub>	
	.07 mi.				6-27-60			1 overhead	
	↓							street light.	
Crittenden	↓	36 Ft.	-4%	-3%	604	-	--	1-#3WW	Reflectorize #1
	↑				FUC			2-#1 signs	Crossing signs.
	.19 mi.				6-30-60			2WLT <sub>R</sub>	R/R by City.
	↓								DWS by City. Clear
									weeds along RR
									R/W in NW.
Brecken-	↓								
ridge	↑	24 Ft.	-1%	-2%	482	2	--	1-#3 WW	R/R by City.
	↓				DPW			2-#1 signs	DWS by City.
	.56 mi.				Nov. '59			reflec-	Clear brush away
	↓				Jan. '60			torized	from eastern advance
								2WLT <sub>R</sub>	warning sign.
Walton	↓								
Avenue		22 Ft.	+4%	+4%	723	-	--	2-#1 signs	Install 2-#8 F. L.
					FUC			1 overhead	Install guard rails
					7-1-60			street	on both crossings.
								light.	Install AWS (WLT <sub>R</sub>
									signs) on west. Ex-
									extend culvert in
									northeast quadrant,
									improve approach to
									Walton from U.S. 99
									for southbound
									traffic turning west
									on Walton. Widen
									crossings and
									approaches to 24'.

- LEGEND -

- |   |  |
|---|--|
| F. L. - Flashing Light Signal           | DWS - Double White Stripes Painted on Pavement       |
| WW - Wigwag Signal                      | DPW - Department of Public Works State of California |
| WLT <sub>R</sub> - Advance Warning Sign | PUC - Public Utilities Commission                    |
| R/R - "R/R" Painted on Pavement         |  |

(Continued)



Speed of Trains - S.P.Co., Shasta Div. Sp. Instr. No. 10, dated 7-10-60

MP-216.08 to 223.18 79 mph pass. 60 mph freight  
\*MP-223.18 to 224.39 25 mph pass. 25 mph freight  
MP-224.39 to 226.20 65 mph pass. 55 mph freight

\* Regulated by City Ordinance

Average Daily Through Train Movements for All Crossings in the City of Red Bluff is 6 Passenger and 21 Freight Trains.

These recommendations were revised during the final week of hearings on October 18, 1962, when the staff engineer testified that in his opinion the crossings at Breckenridge and Crittenden Streets should be widened to conform to the width of the streets, which were recently broadened, and that two Standard No. 8 flashing light signals be installed at each crossing.

Position of the Southern Pacific Company

On September 16, 1960, the Southern Pacific Company, hereinafter called the Company, filed a Motion To Dismiss or Stay the Proceedings until the County of Tehama, State of California and certain named highway common carriers of property were included as necessary and proper parties. The Motions were presented orally on December 14, 1960, the first day of hearing. It was argued that Red Bluff is the county seat of Tehama County and has the courthouse, sheriff's office, county jail, county hospital and many other county offices and agencies within its corporate limits. It was further argued that the highway common carriers named were among those who continually use the crossings to proceed from Highway No. 99 to make pickups and deliveries, and that the State of California is involved because of the proximity of the crossing at Walton Avenue to Highway No. 99. The presiding Commissioner (Jenner) denied the Company Motion to Dismiss or Stay the Proceedings and took

under submission a Motion to Bring in Additional Parties. The Company made numerous oral motions during the course of the hearings in which a request was made that the assigned Commissioner or Examiner order that the entire correspondence file of the Commission on the Red Bluff railroad crossings be made available for inspection by Company representatives. The motions were made under Section No. 1 of Commission General Order No. 66-A. They were all denied by the presiding Examiner.

A draftsman introduced and verified a set of maps and photographs which pictured the crossings as they were in 1961. He later produced a set of revised maps (Exhibit No. 25) and photographs (Exhibits Nos. 26 through 34) which were introduced on March 14, 1962.

The Company presented evidence to show that trains were limited to a speed of 25 miles an hour in Red Bluff by a Company order, due to the curve in the main line which extends from the Union Street intersection along the track to a point north of Crittenden Street. The evidence also shows that 20 freight trains and five or six nonstop passenger trains pass through Red Bluff every 24 hours. One southbound (arriving 11:30 a.m. to 12:30 p.m.) and one northbound (arriving between 5:00 p.m. and 7:00 p.m.) local freight stops in Red Bluff every day except Sunday. The record shows that these trains occasionally pull off the main track onto a siding while loading or unloading in Red Bluff. The Company admitted that crossings are blocked while these trains are parked, since both trains will average from 25 to 50 cars, with each car about 50 feet long. The trainmaster testified that the northbound trains are parked south of Oak Street, which is the first crossing, so none of the intersecting streets are blocked; the southbound

trains often block Oak Street while they are switching, but if the operation is to take longer than 10 or 15 minutes, the train crew is supposed to break the train and clear the street. The witness stated that the regular freight trains average about 100 cars, although some may be 150 cars in length. These do not stop in Red Bluff and if it becomes necessary for one train to stop on a side track while another passes, it would normally be done out of Red Bluff, although there is a side track in north Red Bluff which is frequently used to sidetrack one train while another passes. If this track is used, only Walton Avenue would be blocked by the parked train.

The Company introduced a report (Exhibit No. 22) prepared by a firm of consulting engineers which contains the statistics on an origin-destination traffic survey conducted from 6:15 a.m. to 8:00 p.m. on August 9, 1961, during which period all vehicles were tabulated and most drivers were asked their origin and destination points. All nine crossings were included in the survey, but the report contains data on only the five crossings the Company has recommended closing; viz., Pine, Hickory, Union, Crittenden and Walton Avenue. The total number of vehicles which passed over each of the five crossings is taken from Exhibit No. 22 and is set out in the table following.

Pine Street	949
Hickory Street	751
Union Street	556
Crittenden Street	589
Walton Avenue	494
	<u>3,339</u>

A later exhibit (No. 35) consisted of a 24-hour traffic count made by an automatic counter which registers the number of

axles passing over it each hour. The counts were made during September 20, 21 and 22, 1960, since only three counting machines were available for the nine crossings. The counts were taken on a Tuesday, Wednesday and Thursday. The total for each crossing is given below.

Oak Street	3,606
Pine Street	949
Walnut Street	8,160
Hickory Street	852
Cedar Street	1,166
Union Street	521
Crittenden Street	607
Breckenridge Street	567
Walton Avenue	727
	<u>17,115</u>

Exhibit No. 22 includes tables which purport to show the inconvenience each motorist, likely to use the crossings, would experience if they are closed. The exhibit argues that no one will be seriously inconvenienced if the four crossings downtown are eliminated and that closing Walton Avenue and installing an overpass at Treasure Drive, where the railroad runs through a deep cut, will favor more people than it will inconvenience, even though Treasure Drive would have to be extended over the tracks another 600 feet to connect with U. S. Highway No. 99. No attempt was made to analyze or present data on the inconvenience to anyone other than motorists actually using the crossing.

The Company introduced exhibits which show the cost of installing and maintaining Standard No. 8 flashing light signals at the seven crossings which do not have automatic protection. Oak and Walnut Streets are considered together because they are presently equipped with Standard Nos. 8 and 5 automatic signals, which are to be improved by the installation of new circuits. The

table below is a recapitulation of the cost of installation and maintenance.

<u>Exhibit</u>	<u>Street</u>	<u>Installation Cost</u>	<u>Annual Maintenance and Operating Cost</u>
36	(Oak (Walnut	\$10,610 (to improve existing protection)	Increased Cost - \$492
37	Pine	11,930	560
38	Hickory	11,400	504
39	Cedar	13,195	616
40	Union	12,525	504
41	Crittenden	9,150	476
42	Breckenridge	6,750	196
43	Walton Avenue	9,285	616

The Company made the following recommendations on the crossings: that the City of Red Bluff and the Company each pay half of the cost of installation of the proposed Standard No. 8 flashing light signals at the crossings of Oak, Walnut, Cedar and Breckenridge; that the Company assume all of the annual maintenance cost on these four crossings; and that the City of Red Bluff pay all of the installation cost and all annual maintenance cost for the crossings at Pine, Hickory, Union and Crittenden Streets, if any or all of these crossings are left in operation. The Company has two alternative suggestions in regard to Walton Avenue: (1) that the crossing remain open and that protective signals be installed and maintained at the expense of the City of Red Bluff, or (2) that the Walton Avenue crossing be closed and that Treasure Drive be extended approximately 600 feet over the railroad tracks and out

to State Highway No. 99. The Company favors the last suggestion for safety reasons. Walton Avenue crosses the railroad where a passing track parallels the main line. A train waiting on the passing track might prompt a waiting motorist to disregard the flashing signals and drive into the path of a moving train. The railroad also is curved at this point, which lessens visibility and thereby increases the possibility of an accident. The conclusion of the railroad to close certain crossings and to leave others in operation is based on an exhibit (No. 44) which contains an analysis of the expense of installing and maintaining the proper safety devices at each crossing, in comparison with the amount of public inconvenience to be suffered if the crossing is closed.

The Company presented evidence to show that the railroad right-of-way through all crossings, except Walton Avenue, was granted to a predecessor company of the Southern Pacific Company by a Congressional Land Grant through public domain dated July 25, 1866. Numerous citations were presented in support of the principle that the right-of-way under a Congressional land grant cannot be burdened by allowing streets to cross it which are not needed for public use. The Company maintained Walton Avenue is a private crossing and must be so considered, since it has never been formally declared a public crossing by this Commission, and that if Walton Avenue is now made a public crossing, the City of Red Bluff must assume the entire cost of all the improvements necessary to keep it open.

Position of the City of Red Bluff

The mayor, a member of the City Council, and the Director of Public Works testified in substance as follows: that downtown

traffic will be seriously inconvenienced if any of the crossings are closed; that the City Council is now planning to convert Hickory Street into a one-way street to lessen traffic on Walnut Street, which has reached its capacity; that if Hickory and Pine Streets are closed, additional traffic will be forced into Walnut Street, which runs between Pine and Hickory Streets; that this will overload Walnut Street and create a serious congestion at all intersections, which will be aggravated by the fact that the usable width of Walnut Street is 56 feet, which is further reduced in width by parked vehicles and trucks on each side of the street; that Walnut Street is therefore marked and considered to be a wide two-lane street, which should not be required to carry all of the downtown east-west traffic; that Crittenden Street and, to a lesser extent, Union Street are the favorite crossings of school children and it is certain they will continue to use these streets, if they are closed, without the benefit of any safety or warning equipment; that the only practical way to prevent their crossing would be long, high wire fences on each side of the tracks extending between, through and well past each intersection; that if several downtown streets are closed, all traffic will have to use the few remaining streets, and when trains block the crossings, the waiting cars will extend far enough to block one or more intersections over the streets which run parallel with the railroad and on each side of it.

The City introduced an exhibit (No. 51) which presented a series of crossing counts, with a detailed analysis of the traffic blocked at each crossing, the time required for trains to pass, and other information obtained during an investigation conducted by the

City of Red Bluff during November of 1960, and March (on Walnut Street only) of 1962. The first page of Exhibit No. 51 reads as follows:

TRAFFIC COUNTS OF RAILROAD CROSSINGS  
CITY OF RED BLUFF

: Crossing :	: 1944 :	: 1956 : DPW*:	: 1959 : DPW*:	: PUC : June '60 :	: SPRR : Sept. '60 :	: City : Nov. '60 :	: City : March '62 :
Oak St.	703	1,910	2,955	2,867	3,606	3,243	4,226
Pine St.	421	710	803	803	949	797	885
Walnut St.	2,552	6,113	8,110	8,138	8,160	8,504	8,698
Hickory St.	478	518	868	977	852	1,033	992
Cedar St.	320	577	856	1,045	1,166	1,410	1,892
Union St.	256	510	706	530	521	527	785
Crittenden St.	291		316	604	607	485	748
Breckenridge St.	222		483	482	567	598	775
Walton Ave.		532	633	723	727	606	677

\*DPW indicates Department of Public Works, Division of Highways, State of California.

Three of the local merchants testified the closing of Union and Hickory Streets would inconvenience them by making it more difficult for customers to reach them from the other side of the tracks. One of the three was the owner of a cold storage warehouse, who testified that his business is now located on Union Street and is ideal for the farmers who bring in their fruit for refrigeration between June and September of each year. The Superintendent of Schools testified that the children use either Union Street or Crittenden Street as their route between the schools and the downtown area; if these streets are closed, he is sure that the children will continue to use them by climbing over the barricades which block the crossings to vehicles. Two witnesses



testified regarding Walton Avenue. One was the developer of the Forward Addition, which is to be a residential area of several hundred homes just north of Walton Avenue. He stated a large shopping center is to be erected across Highway No. 99 from the Forward Addition, although no work has been done on it as yet. He testified that in his opinion Walton Avenue should remain open to serve the new homes to be built in the near future. The second witness was the manager of a plywood company, with a warehouse and repair shop on Walton Avenue. He testified they have twelve 60-foot diesel truck and trailer rigs which use Walton Avenue almost daily; they find it convenient because the trucks do not have to drive through the downtown area. It was admitted that a 60-foot rig which was stopped on Walton Avenue while waiting for traffic to pass on Highway No. 99 would extend back to the railroad right-of-way and possibly as far back as the tracks, thereby creating a dangerous condition. The Southern Pacific Company and the City of Red Bluff stipulated that Walton Avenue was originally used as a private crossing with the permission of the railroad and that Walton Avenue became a public street from "its intersection with said Monroe Avenue easterly to the right-of-way of the Southern Pacific Railroad Company" (lines 18, 19, Exhibit No. 58) by a resolution of the Tehama County Board of Supervisors dated in January of 1921 (Exhibits Nos. 56-59). The resolution does not include the portion of Walton Avenue extending over the railroad track and out to Highway No. 99, which was then a county road. It was agreed that the Walton Avenue crossing has been used by the public for many years.

The Director of Public Works testified that he favors the recommendations proposed in Exhibit No. 1 (pages 4, 5 and 6), with the following qualifications: It was suggested that the

railroad and the city combine to rebuild the Oak Street crossing; he believes it should be the responsibility of the Company alone; he is in complete accord on Pine Street; Walnut Street has only two recommendations (Exhibit No. 1, page 4) listed, which require the City of Red Bluff to draw double white lines along the center of the street up to the railroad right-of-way, and railroad crossing warnings on the street, a reasonable distance from the tracks; this work has been completed since Exhibit No. 1 was filed; the closing of Hickory Street is not recommended for the reasons previously stated; he is in accord with the recommendations on Cedar Street (Exhibit No. 1, page 5), but does not think Union Street should be closed since the Farmers Market has located on Union and late traffic counts show an increasing use of the street; he believes the crossings at Crittenden and Breckenridge Streets should be widened to conform to the street width and that the present signals should be removed and new signals installed clear of the right-of-way over the widened crossings; this is in accord with the supplementary recommendation made by the Commission engineer; he believes the Walton Avenue crossing should be widened to 30 feet rather than 24 feet as suggested in Exhibit No. 1; he favors moving the arterial stop sign on Walton Avenue as far forward as possible, even painting a "stop" on the street, if necessary, to enable large truck-trailer combinations to clear the railroad right-of-way when stopped on Walton while waiting to turn into Highway No. 99.

Position of the Division of Highways,  
State Department of Public Works

During the first day of hearing the Department of Public Works filed a special appearance as an interested party on the ground that no allocation of costs could be imposed upon it due to the fact that no State highway or right-of-way is within the crossing

area of the subject grade crossings. The Southern Pacific Company objected to the special appearance and legal authorities were presented by both sides. The presiding Commissioner (Jenner) thereupon ruled that it would be considered a general appearance by an interested party and that the Commission would not consider the Department of Public Works as a respondent.

The District Traffic Engineer testified for the Department of Public Works, Division of Highways. He stated the Division of Highways will widen Walton Avenue at the point where it meets Highway No. 99 to conform with the width of the crossing. He testified the highway and Walton will be widened further by the addition of an extra tapered lane terminating in a three-radius curve for those making right turns off the highway or off of Walton. He testified that Highway No. 99 was recently widened at the intersection and a left turn lane provided for those going north on the highway who turn west onto Walton Avenue. He testified that State highways are designed to be at least 28 feet wide, which would be a good width for Walton Avenue. This width allows some room for emergency parking or for a vehicle to pull off the road. He stated a new freeway is to be constructed east of Red Bluff which will be out of the city limits and will connect with the present Highway No. 99 at an interchange about three-quarters of a mile north of the present north city limits of Red Bluff. The witness testified this new freeway should be opened to public use sometime in 1966.

Position of the Brotherhood of Locomotive Engineers

A locomotive engineer testified that he has been an employee of the Southern Pacific Company since August of 1923 and a locomotive engineer since 1941. He stated he has been employed on the Shasta Division of the railroad since 1944. He testified the number of crossings in Red Bluff are a source of danger to train

crews and the local citizens. He stated this is especially true of Walton Avenue, which crosses the railroad in the center of a side or passing track. He testified that in his opinion several crossings should be closed and those remaining open should be protected by warning signs and automatic safety devices.

The motion of the Southern Pacific Company to Stay or Dismiss the Proceedings and to bring in additional parties is hereby denied.

The motion of the Southern Pacific Company wherein a request was made under Commission General Order No. 66-A for an order authorizing Company representatives to view all Commission correspondence filed on the Red Bluff railroad crossings is hereby denied.

The motion of the Division of Highways, Department of Public Works of the State of California, that it be authorized to file a special appearance in the proceedings herein is hereby denied, although the general appearance of the Division of Highways, Department of Public Works, is properly treated as that of an interested party rather than a respondent.

Based upon the evidence herein, we find that:

1. Since the right-of-way granted to the predecessor of the Southern Pacific Company by Congressional land grant was for the specific purpose of assisting the railroad to operate more efficiently and thereby provide better public service, it would be unrealistic to interpret such grant so as to prejudicially affect the public use of needed public streets, in a situation where the tracks and right-of-way divide a city in half by running through its entire length.

2. Walton Avenue is a public crossing and apparently has been so used for a number of years. "The failure of the involved public body or bodies to obtain Commission authorization to construct the crossing does not convert it into a private crossing." (Page 10, Decision No. 64312, dated September 25, 1962, in Case No. 7233,

Commission Investigation of Richmond Avenue Crossing (No. E. 65.2)  
over S. P. Tracks, Santa Clara County.)

3. The crossings at Pine, Union and Hickory Streets which we find to be dangerous to public health, safety, convenience and necessity should be closed, since their function will be performed by the adequately protected crossings which are to remain open; and proper automatic signal protection should be provided at the crossings of Oak, Walnut, Cedar, Crittenden and Breckenridge Streets. Public safety, health, convenience and necessity further require that Walton Avenue be designated a public crossing, that it be widened to 28 feet and that it be provided with proper automatic signal protection. The expense of closing, altering, improving and widening these crossings and the cost of additional safety protection for said crossings should be shared by the Southern Pacific Company and the City of Red Bluff as provided in the following paragraphs.

Based on the above findings, the Commission concludes that:

1. The crossings at Pine, Union and Hickory Streets should be closed.
2. The crossings at Oak, Walnut, Cedar, Crittenden and Breckenridge should remain in operation with improved automatic warning signals. The individual crossings should be improved as follows:

<u>Crossing</u>	<u>Improvements</u>
Oak Street .	Railroad and City to combine to rebuild and level crossing. Install guard rail on main line.
Walnut Street	No recommendations. Two No. 5 Flashing Light Signals presently installed are adequate.
Cedar Street	Install two No. 8 Flashing Light Signals. Install guard rail on main line.
Crittenden Street Breckenrdige Street	(Remove present signals. Railroad and City to widen crossings (to conform to width of streets. (Install two No. 8 Flashing Light Signals at each crossing.

3. The cost of installation of the recommended improved protection at the above crossings should be apportioned as follows:

50 percent to the City of Red Bluff and 50 percent to the Southern Pacific Company. The cost of maintaining said improved protection should be borne 100 percent by the Southern Pacific Company. The cost of rebuilding and leveling the Oak Street crossing and of widening Crittenden and Breckenridge within lines two feet outside of the outside rails shall be borne by the railroad. All costs incurred outside of said lines and the cost of paving the crossings to be widened shall be borne by the City of Red Bluff.

4. Application No. 40976 should be granted and the Walton Avenue crossing widened to a minimum of 28 feet. Two No. 8 flashing light signals should be installed, along with guard rails on both tracks, and an advance warning sign should be installed by the City on the western approach to the crossing.

5. The cost of installation of said improved protection at the Walton Avenue crossing should be apportioned as follows: 50 percent to Southern Pacific Company and 50 percent to the City of Red Bluff. The cost of maintaining said improved protection should be borne 100 percent by Southern Pacific Company. The cost of preparing the tracks to receive the pavement within lines two feet outside of the outside rails should be borne by the railroad. All other costs of widening the crossing, including the paving thereof, should be borne by the City of Red Bluff.

O R D E R

IT IS ORDERED that:

1. The crossings of Pine Street (No. C-223.3), Hickory Street (No. C-223.45) and Union Street (No. C-223.6), over the track of the Southern Pacific Company in the City of Red Bluff, shall be closed by the Southern Pacific Company to all vehicular and pedestrian traffic by the construction of fences or other proper barriers.

2. The crossing of Oak Street (No. C-223.2) over the track of the Southern Pacific Company in the City of Red Bluff shall be further improved by the installation of a guard rail on the main line, to be accomplished by the Southern Pacific Company, and by the rebuilding of the crossing to obtain a smoother surface by the City of Red Bluff and the Southern Pacific Company. The costs of rebuilding within lines two feet outside of the outside rails shall be borne by the railroad. All costs outside of said lines shall be borne by the City of Red Bluff.

3. The crossing of Cedar Street (No. C-223.5) with the track of the Southern Pacific Company in the City of Red Bluff shall be further protected by the installation of a guard rail on the main line and construction of two Standard No. 8 flashing light signals, being the type shown in General Order No. 75-B equipped with reflectorized "Stop on Red Signal" signs. Both of these protective devices shall be installed by the Southern Pacific Company.

4. The crossing of Breckenridge Street (No. C-223.9) with the track of the Southern Pacific Company in Red Bluff shall be further improved by the removal of the No. 3 wigwag signals now installed on the crossing, by widening the crossing to conform to the width of the street, and by the installation and construction of two Standard No. 8 flashing light signals, being the type shown in General Order No. 75-B equipped with reflectorized "Stop on Red Signal" signs. The removal of the present signals and the acquisition and construction of the No. 8 flashing light signals shall be effected by the Southern Pacific Company.

5. The crossing of Crittenden Street (No. C-223.7) with the track of the Southern Pacific Company in Red Bluff shall be further improved by the removal of the No. 3 wigwag signals now installed on

the crossing, by widening the crossing to conform to the width of the street, and by the installation and construction of two Standard No. 8 flashing light signals, being the type shown in General Order No. 75-B equipped with reflectorized "Stop on Red Signal" signs. The removal of the present signals and the acquisition and construction of the No. 8 flashing light signals shall be effected by the Southern Pacific Company.

6. The crossing of Walton Avenue (No. MP-224.4) with the track of the Southern Pacific Company in the City of Red Bluff shall be designated as a public crossing and identified as No. C-224.4. It shall be improved by widening the crossing to a minimum of 28 feet, by installing guard rails on both tracks, by erecting advance warning signs on the western approach to the crossing, and by the installation and construction of two Standard No. 8 flashing light signals, being the type shown in General Order No. 75-B equipped with reflectorized "Stop on Red Signal" signs. The Southern Pacific Company shall install the flashing light signals and guard rails and will widen the crossing with the City of Red Bluff as provided. The City of Red Bluff will erect the advance warning signs, pave the crossing and negotiate with the State Division of Highways regarding widening the highway at the point it intersects Walton Avenue.

7. The costs of acquiring and constructing the flashing light signals on the five crossings shall be borne as follows: 50 percent by Southern Pacific Company and 50 percent by the City of Red Bluff. The cost of maintaining said flashing light signals shall be borne 100 percent by the Southern Pacific Company; and the cost of widening the Crittenden, Breckenridge and Walton crossings shall be borne as follows: the cost of preparing the tracks and roadbed to receive the pavement within lines two feet outside of the outside rails shall be borne by the railroad. All other costs of widening



the crossing, including the paving thereof, shall be borne by the City of Red Bluff. The Southern Pacific Company will also be charged with the cost of installing the guard rails on the tracks.

8. All work to be accomplished under the above ordering paragraphs shall be completed within six months after the effective date of this order. The crossings at Pine, Hickory and Union Streets shall not be closed prior to the installation of the ordered warning signals at the remaining crossings.

9. Within thirty days after completion of work pursuant to this order Southern Pacific Company and the City of Red Bluff shall each so advise this Commission in writing.

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

Dated at San Francisco, California, this 30<sup>th</sup> day of July, 1963.

William L. Bennett  
President  
[Signature]  
[Signature]  
Commissioners

I concur in the opinion and order except that I would divide the maintenance expense between the company and the city. George T. Brewer  
Commr.

For the reasons set forth in my dissenting vote in Decision No. 65531, in dated June 4, 1963, I remain dissent to that part of the order requiring the railroad to bear all of the maintenance costs. I would require that such costs be shared. I concur otherwise. Fredrick B. Holboff, Commr.