

**ORIGINAL**

Decision No. 66993

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use and protection of the following crossings, at grade, of SOUTHERN PACIFIC COMPANY in the City of Turlock, County of Stanislaus: Crossing No. B-126.0, Crossing No. B-126.1 and Crossing No. B-126.2; and in the County of Stanislaus: Crossing No. B-126.7 and Crossing No. B-125.4.

Case No. 7687  
(Filed August 20, 1963)

Randolph Karr and Harold S. Lentz, for Southern Pacific Company; William C. Cullens, City Attorney, for City of Turlock; Frederick W. Reyland, Jr., County Counsel and David G. Dunford, Assistant County Counsel for the County of Stanislaus; George D. Moe and Warren P. Marsden, for State of California, Department of Public Works, respondents.  
B. A. Peeters, for the Commission staff.

O P I N I O N

The original order herein was limited to three crossings in downtown Turlock, namely, Olive, West Main and Marshall Streets. On October 15, 1963 respondent, Southern Pacific Company, filed a written motion for an order broadening the scope of the investigation to include two crossings outside of the city, North Broadway and "F" Streets. An amended order was issued on October 29, 1963, which included the two county crossings. Public hearings were held before Examiner Power on November 13, 14, 15 and 21, 1963, and the matter was submitted on the last date.

The Southern Pacific Railroad goes through Turlock in a northwesterly, southeasterly direction. It bisects not only the city as a whole, but the business district in particular. From the northwest there are nine crossings; they are:

<u>Name of Street or Highway</u>	<u>Public Jurisdiction</u>	<u>Crossing No.</u>	<u>Vehicle Traffic</u>	<u>Present Protection</u>	<u>Proposed Protection</u>
Fulkerth Rd.	Co.	B-124.9	-	2 - No. 8	N.C.
N. Broadway St.	Co.	B-125.4	1750	1 - No. 3 & 2 - No. 1	2 - No.8
Canal Drive	Cy.	B-125.7	-	2 - No. 8 W/Cant.	N.C.
Olive Street	Cy.	B-126.0	7380	2 - No. 3	2 - No.8 W/G
Main Street	Cy.	B-126.1	9780	2 - No. 3	2 - No.8 W/G
Marshall St.	Cy.	B-126.2	8900	2 - No. 3	2 - No.8 W/G
"F" Street	Co.	B-126.7	3360	2 - No. 1	2 - No.8
So. Center St.	Co.	B-126.9	-	Separation	N.C.
Golf Road	Co.	B-127.5	-	2 - No. 8	N.C.

All crossings: 18 trains per day, including switching moves.

Co. County of Stanislaus  
 Cy. City of Turlock  
 N.C. No Change  
 No. 1 Standard No. 1 Crossbuck Signs  
 No. 3 Standard No. 3 Wigwag Signals  
 No. 8 Standard No. 3 Flashing Light Signals  
 W/Cant. With Cantilever Arms  
 W/G With Crossing Gates

The evidence herein involves, to some extent, eight of these crossings, even though increased protection is recommended for five of them only. The circuitry at Fulkerth Road, Canal Drive and Golf Road would be modified to some extent and certain installations will be made at these as well as at the five crossings directly under investigation.

All parties presented evidence except the State Department of Public Works. The Department was represented by counsel who assisted in developing the record. A major issue between the staff

and the City of Turlock involved gates. The staff recommended gates on all three of the downtown crossings, the city opposing. Another issue was between the railroad, on the one hand, and the city and the staff, on the other. This related to switching at Marshall and Olive Streets with Marshall Street being the more acute problem. The County of Stanislaus did not object to the proposed protection at North Broadway and "F" Streets but considered the share of the cost allocated to it in the Southern Pacific Company's signal exhibit to be excessive.

The first two issues are intertwined to such an extent that they should be discussed together.

The city's director of planning testified that gates might impede the flow of traffic across the tracks on West Olive and Marshall Streets. This witness and the other city witnesses (the City Engineer and Chief of Police) seem to have assumed a continuation of the present switching situation.

The staff's proposal, however, included severe restrictions on the switching. The staff witness recommended that the northernmost track in West Olive Street be eliminated from the circuits and members of the train crews be required to stop trains and flag movements across that street. At Marshall Street it was originally recommended that the northernmost track and the crossover associated with it in Marshall Street be removed. It developed in evidence, however, that this recommended course would work severe hardship on a cannery located on this track. This industry has cars of liquid sugar, on what are called sugar spots, along this track. At these sugar spots the tank cars are connected directly to the production lines inside the plant, so that if the connections are broken, the cannery would have to cease operations for the duration of the disconnection. Since the cannery payroll rises to several hundred persons at times, the impact of such a shutdown is apparent.

Marshall Street switching presents the more serious problem. Staff Exhibit No. 1 reveals that during a 16-hour count (6:00 a.m. - 10:00 p.m.) taken on June 10 and 11, 1963, there were sixteen such movements, ten of which occurred in a half-hour's time--2:30 p.m. to 3:00 p.m. The staff witness testified from personal observation that much of this consisted in the shunting of cars not connected to an engine.

It is clear that the switching practices constitute a burden on vehicular traffic and undermine safety by encouraging the driving public to ignore signals. Switching should be restricted to the spotting and removal of cars to and from customers whose premises adjoin the tracks involved. The staff recommendation respecting the northernmost track in Olive Street should be adopted.

The City Engineer also proposed that nothing be done until a feasibility study of grade separations be made. Such a study will take time and there is no money in sight to build separations even if they were found to be feasible. The present protection is highly inadequate and must be improved quickly. Grade separations may be years in the future if, indeed, they are found to be possible at all, when engineering studies are made.

The county, based on its experience with other installations of Standard No. 8 signals, considered that the railroad's proposed allocation to it was excessive. The railroad cost study estimated the total project cost at \$110,345. Of this sum, \$47,530 was assigned by the signal witness to the county and \$62,815 to the city. Since the county is responsible for only two of the five crossings, and these have fewer problems than the other three, the county's share should not exceed 40%.

One cause of the county's high proposed allocation was the circuit materials cost. \$26,165 was allocated to the county crossings and \$25,740 to the city crossings. This came about in part because the circuitry at three crossings not involved in this investigation must be revised. Two of these, Fulkerth Road and Golf Road are county crossings, one, Canal Drive, is a city crossing. Unquestionably some of the circuitry is required by the needs of the three city crossings. The exact amount cannot, from the present record, be determined.

The staff recommended that Olive, Main and Marshall Streets be given pre-emption over U.S. Highway 99 traffic so that traffic can clear the tracks when trains are approaching. This highway adjoins the railroad right-of-way on its northeastern side. There are signals for the control of traffic at the intersection of Olive, Main and Marshall Streets with this highway which are installed and controlled by the State Department of Public Works.

In the Commission's judgment a fair division of the cost of this project would be--Southern Pacific Company, 50%; City of Turlock, 30%; and County of Stanislaus, 20%, such division to include laying of necessary pre-emption circuit materials to the southwestern right-of-way line of U.S. Highway No. 99. The responsibility of extending these circuits beyond that point and the total cost thereof should be borne by the State Department of Public Works.

The Commission finds that:

1. Public health, safety, convenience and necessity require that the crossings, subjects of this investigation, be protected as follows:

- A. With Standard No. 8 flashing light signals with back lights:
  - (a) North Broadway No. B-125.4.
  - (b) "F" Street No. B-126.7.

B. With Standard No. 8 flashing light signals equipped with automatic crossing gate arms:

(a) West Olive Street No. B-126.0.

(b) West Main Street No. B-126.1.

(c) Marshall Street No. B-126.2.

2. To secure to the public the maximum use and benefit of the public streets and highways in Turlock and vicinity it is necessary:

A. For the five crossings named in Finding No. 1 to be equipped with such circuits and devices that the interval between first warning and arrival of the train will be substantially the same regardless of train speed.

B. For switching over the northernmost track in West Olive Street, the northernmost track in Marshall Street and the crossover in Marshall Street to be restricted to a minimum as provided by the following order and for said track in Olive Street to be excluded from the crossing protection circuits herein required.

3. It is fair and reasonable for the cost of the increased protection herein required to be allocated as provided by the following order.

The Commission concludes that the protection of the five crossings should be increased to the levels, and switching be restricted, as provided by the following order.

The Commission recommends to the City of Turlock and the County of Stanislaus that each of them make application for an allocation of funds under Section 1231 of the Public Utilities Code.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall within six months after the effective date of this order improve the protection of the crossings

at grade designated in Finding No. 1 in the foregoing opinion in the County of Stanislaus and the City of Turlock to the standards set forth in said finding.

2. The most northerly track across Olive Street shall be excluded from the automatic gate protection.

3. The cost of the installations required by paragraph 1 of this order shall be allocated to respondents, Southern Pacific Company, 50%; City of Turlock, 30%; County of Stanislaus, 20%.

4. The signals controlling vehicular traffic on U.S. Highway 99 at its intersections with West Olive, West Main and Marshall Streets in the City of Turlock shall be pre-empted so as to show a green aspect to traffic on said streets when the crossing protection herein provided for is actuated.

5. The pre-emption circuits and signal adjustments northeasterly of the southwesterly right-of-way line of U.S. Highway 99 shall be installed at the expense of the State Department of Public Works, Division of Highways. Circuits to said right-of-way line shall be installed by the Southern Pacific Company.

6. The Southern Pacific Company shall amend its operating rules and regulations relating to its Turlock yard as follows:

A. Switching movements over West Olive Street on the most northerly track at said intersection shall stop before crossing the street and be flagged across by a member of the train crew.

B. The northermost track in Marshall Street and the Marshall Street crossover track shall be restricted so that no switching shall be performed in Marshall Street under any circumstances except for the purpose of spotting or removing cars to or from the establishments of customers served by said track.

7. Upon the placing in operation of the crossing protection herein required and the amendment of the operating rules required by paragraph 6 of this order, Southern Pacific Company may increase its train speed limits in Turlock to, not to exceed, 65 miles per hour.

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

Dated at San Francisco, California, this 24th day of March, 1964.

William W. Bennett  
President

Everett C. McKeage

George H. Grover

Frederick B. Hallock

Commissioners

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