

ORIGINAL

Decision No. 68731

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use, and protection of the crossing at grade of Lovekin Boulevard and the tracks of The Atchison, Topeka & Santa Fe Railway Company in the County of Riverside; Crossing No. 2C-44.6.

Case No. 8063  
(Filed November 17, 1964)

Jayne C. Billey, for The Atchison, Topeka and Santa Fe Railway Company; Ray T. Sullivan, County Counsel, by Tilden L. Brooks, for the County of Riverside; respondents.  
Lawrence Q. Garcia, for the Commission staff.

O P I N I O N

A public hearing on the above-entitled matter was held before Examiner Rogers in Riverside, California, on January 13, 1965, and the matter was submitted.

The investigation concerns the crossing at grade of South Lovekin Boulevard by The Atchison, Topeka and Santa Fe Railway Company (Railway) in the County of Riverside (Crossing No. 2C-44.6). The investigation was to determine, among other things, whether or not public health, safety, and welfare require the installation and maintenance of additional or improved protective devices at said crossing, or whether or not public health, safety, and welfare require the relocation, widening, closing or other alteration of said crossing.

The crossing is located approximately 2.7 miles south of Blythe. The rail line involved is the Ripley Branch of the Railway on which freight service is performed between Ripley and Freda through Blythe. There is one regular round trip per day and during the lettuce and melon harvest seasons (between November 15 and December 31 for lettuce and between May 20 and June 20 for melons), there are from one to four added switching crews which render additional services as needed.

A check by a staff transportation engineer of vehicular traffic and rail operations was made at the crossing between 12 noon and 6 p.m., on December 15, 1964. During this check, 634 automotive vehicles traversed the crossing. The staff witness estimated that in 24 hours that day, the total number of such vehicles would have been 1,710. There were four train movements made by one train crew during said six-hour check. These movements consisted of from an engine only to an engine and five cars. All of said movements were between 4:04 p.m. and 5:30 p.m. The 4:04 p.m. movement was during daylight, and the other three movements were after dark. Four vehicles were delayed by the 4:04 p.m. movement, one by a movement at 5:24 p.m., and none by the other two.

In addition to said movements, there were at least two more moves by a crew which commenced work at 10 p.m. in Blythe.

The crossing involved is on Lovekin Boulevard 146 feet south of Avenue 18. It has no automatic protection or lights and three of the accidents listed below occurred at night. The areas to the north of the crossing are all open fields, but at the point

of crossing, there are cattle pens with wooden horizontal and spaced board fencing adjacent to the highway and right of way in three quadrants. The physical characteristics of the crossing, together with the accident record from December 1, 1959, to November 30, 1964, are as follows:

1. Number of tracks . . . . . 1
2. Approach width . . . . . 24 feet
3. Angle of crossing . . . . . 54 degrees
4. Illumination . . . . . None
5. Protective devices . . . . . 2 Standard No. 1's  
(reflectorized)
6. Maximum permitted train speed . . . . . 20 MPH
7. Maximum permitted vehicle speed . . . . . 65 MPH
8. Number of trains per day . . . . . 2 plus required  
added switching
9. Estimated daily vehicles over crossing 1,710
10. Train-vehicle accident record,  
December 1, 1959 through November 30, 1964:

<u>Date</u>	<u>No. Killed</u>	<u>No. Injured</u>
April 4, 1960	0	1
June 26, 1963	1	0
February 23, 1964	0	1
November 25, 1964	<u>0</u>	<u>1</u>
4 Accidents	1	3

In February, 1964, the Commission staff recommended to the Railway and to the County of Riverside that automatic protection be installed at this crossing. The Railway agreed to assume 50 per cent of the costs, but the County declined.

The staff witness concluded that, based on the volume and speed of vehicular traffic in the area, the restricted visibility by motorists of trains due to the cattle pens, the lack of illumination and the accident record, better protection is needed. He recommended that two Standard No. 8 flashing light signals be installed at the crossing, No. 2C-44.6.

The Railway representative stated at the hearing that it is agreeable to the apportionment to it of 50 per cent of the installation costs plus 50 per cent of the maintenance costs of the recommended signals. The Commission has heretofore notified railroads that it will in all cases assess against the railroad or railroads involved the entire cost of maintaining protective devices of railroad crossings (Decision No. 66881, dated February 25, 1964, in Cases Nos. 7463 and 7464).

The County of Riverside presented no evidence, but argued that there is no record of any hazardous condition due to increased vehicular traffic since the crossing was first constructed, and that any added protection is the Railway's responsibility.

Upon the record herein, the Commission finds that:

1. The Railway has a single line of track extending from Freda through Blythe to Ripley, which is approximately six miles south of the crossing herein considered. This line is used exclusively for freight. One train crew regularly performs one train movement per day in each direction over the line. During harvest seasons, November 15 to December 31, and between May 20 and June 20 of each year, there are from one to four additional train movements per day between Ripley, Blythe and Freda. Each of the said movements is over the Lovekin Boulevard crossing herein considered, which is in Riverside County.

2. The physical characteristics of the Railway and Lovekin Boulevard, the illumination and protection at said crossing, the number of train movements, permitted speed of trains and vehicles,

the estimated number of vehicles per day, and the accident record at said crossing since December 1, 1959, are as follows:

1. Number of tracks . . . . . 1
2. Approach width . . . . . 24 feet
3. Angle of crossing . . . . . 54 degrees
4. Illumination . . . . . None
5. Protective devices . . . . . 2 Standard No. 1's  
(reflectorized)
6. Maximum permitted train speed . . . . . 20 MPH
7. Maximum permitted vehicle speed . . . . . 65 MPH
8. Number of trains per day . . . . . 2 plus required  
added switching
9. Estimated daily vehicles over crossing . 1,710
10. Train-vehicle accident record,  
December 1, 1959 through November 30, 1964:

<u>Date</u>	<u>No. Killed</u>	<u>No. Injured</u>
April 4, 1960	0	1
June 26, 1963	1	0
February 23, 1964	0	1
November 25, 1964	0	1
4 Accidents	1	3

3. The visibility at the crossing is limited in three quadrants due to cattle yard pens immediately adjacent to said Lovekin Boulevard crossing. The protection consists of Standard No. 1 cross bucks, reflectorized. There were four accidents at the crossing between April 4, 1960, and November 25, 1964, of which one was in the daylight hours and three were after dark. These accidents resulted in one death of a person and injuries to three persons.

4. The crossing is hazardous to trainmen and the public using the crossing.

5. The Railway is willing to contribute 50 per cent of the cost of installation and maintenance of automatic protection devices. The County of Riverside is unwilling to contribute to either of said costs.

6. Public health, safety, and welfare require that the crossing be protected as stated in the order herein.

7. The costs of the installation and maintenance of the protection should be charged to the County of Riverside and/or the Railway as specified in the order herein.

We conclude that Lovekin Boulevard crossing (Crossing No. 2C-44.6) should be protected by two Standard No. 8 flashing light signals as set forth in the order herein and that the costs of installing said flashing light signals and the costs of maintaining said protective devices should be charged to the County of Riverside and/or the Railway, as specified in the order herein.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company shall, within ninety days after the effective date hereof, replace the existing No. 1 reflectorized crossing protection devices at Lovekin Boulevard, Crossing No. 2C-44.6, with two Standard No. 8 flashing light signals.

2. The installation costs for installing said No. 8 flashing light signals shall be apportioned on the basis of 50 per cent to be paid by the County of Riverside and 50 per cent to be paid by The Atchison, Topeka and Santa Fe Railway Company.

3. The maintenance costs for the two No. 8 flashing light signals installed at Crossing No. 2C-44.6 shall be paid by The Atchison, Topeka and Santa Fe Railway Company.

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

Dated at San Francisco, California, this 9th day of MARCH, 1965.

[Signature] President

[Signature]

[Signature] Commissioners

*We concur, except as to apportionment of the cost of flashing light signals. The hearing should have included that issue.*

*Fredrick B. Holdoff  
George T. Grover*