

Decision No. 68856

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use and protection of the following crossing at grade with the line of SOUTHERN PACIFIC COMPANY in the County of Merced, California: Crossing No. B-143.9, Shaefer Road.

Case No. 7983

Harold S. Lentz, for Southern Pacific Company;
Willard B. Treadwell, for County of Merced,
respondents.
Robert C. Marks, for the Commission staff.

O P I N I O N

By its order dated August 18, 1964, the Commission instituted an investigation on its own motion into the safety, maintenance, operation, use and protection of the crossing at grade of the Southern Pacific Company main line track and Shaefer Road, designated Crossing No. B-143.9, County of Merced.

A public hearing was held before Examiner Daly on February 25, 1965, at Merced, and the matter was taken under submission.

Shaefer Road grade crossing is located in Merced County adjacent to the southeasterly city limits of the City of Atwater, approximately one mile from the central business district of that city. Said crossing is presently protected with two Reflectorized Standard No. 1 crossing signs, two Reflectorized W47R advance warning signs along with RXR and bars painted on the pavement of each approach.

A check conducted by the Commission staff for the 12-hour period from 6:00 a.m. to 6:00 p.m., on Thursday, February 11, 1965, indicated 515 vehicles and 14 trains. The Commission's records indicate 7 accidents at the crossing since January 1, 1926.

By stipulation the parties adopted the recommendations of the staff as set forth in Exhibit 1. The recommendations are as follows:

1. Shaefer Road grade crossing be provided with automatic protection to consist of two Standard No. 8 Flashing Light Signals supplemented with automatic gate arms.
2. Pavement be widened to a minimum of twenty-four feet.
3. Installation costs for installing automatic protection be apportioned 50 percent to be paid by the County of Merced and 50 percent to be paid by the Southern Pacific Company.

With respect to the second recommendation it was further stipulated that Southern Pacific Company would pay for preparing the subgrade in the widened portion of the crossing and the County of Merced would pay the remaining cost of the widening.

After consideration the Commission finds that Shaefer Road crossing should be upgraded in conformity with the stipulation of the parties referred to heretofore.

O R D E R

IT IS ORDERED that:

1. The Shaefer Road grade crossing of Southern Pacific Company (No. B-143.9) in the County of Merced be further protected by the installation of two Standard No. 8 Flashing Light Signals supplemented with automatic gate arms. Said crossing shall be widened to a minimum of twenty-four feet.

2. The acquisition and installation of the flashing light signals and automatic gate arms heretofore described in ordering paragraph 1 hereof shall be effected by the Southern Pacific Company within six months after the effective date of this order.

3. The cost for installing the signals and automatic gate arms set forth in ordering paragraph 1 hereof shall be apportioned on the basis of 50 percent to be paid by the County of Merced and 50 percent to be paid by the Southern Pacific Company.

4. The cost of preparing the subgrade in the widened portion of the crossing as provided for in ordering paragraph 1 hereof shall be paid by the Southern Pacific Company and the remaining costs of the widening shall be paid by the County of Merced.

5. The County of Merced shall bear the entire construction expense and maintenance cost of the crossing outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost of the crossing between such lines.

6. Allocation of maintenance costs for protective devices at the crossing is deferred until further order of this Commission.

7. Within thirty days after completion of the work pursuant to this order, respondents shall 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 6th day of APRIL, 1965.

I dissent
Edith [Signature]


Frederick B. Holdhoff
President
George H. Brewer
[Signature]

Commissioners

DISSENT

BENNETT, William M., Commissioner, Dissenting Opinion.

I dissent. As previously stated in my dissenting opinion in Application No. 46864, Decision No. 68777 dated March 23, 1965, I would decide and not defer. I know of nothing in law or in respectable practice which countenances a system of vote abstinence.


WILLIAM M. BENNETT
Commissioner

San Francisco, California
April 7, 1965