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Decision No. 68938

**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 Stanislaus, California: Crossing No. B-106.2, Kiernan Avenue.

Case No. 7982

Harold S. Lentz, for Southern Pacific Company; David G. Dunford, for the County of Stanislaus, 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 into the safety, use, maintenance, operation, and protection of the crossing at grade of the Southern Pacific Company's main line track at Kiernan Avenue, designated Crossing No. B-106.2 at the Town of Salida, County of Stanislaus.

A public hearing was held before Examiner Daly on February 24, 1965, at Modesto. Following the staff presentation the matter was taken off calendar pending a determination by the County of Stanislaus as to whether it wished to make an affirmative showing. The county has since indicated by letter that it is in accord with the recommendations of the staff and that it would have no need for further hearing. The matter, therefore, is hereby submitted.

Kiernan Avenue is an east-west road which intersects the Southern Pacific main line with a crossing at grade. Highway 99, which parallels the railroad, intersects Kiernan Avenue approximately 125 feet east of the crossing. Access to Highway 99 in both the north and south directions is provided at the intersection. Division of Highway Planning Program for the 1968-69 fiscal year calls for upgrading Highway 99 to freeway status on a new alignment 700 feet easterly from its present location. Kiernan Avenue will be closed at a point 500 feet easterly of its present intersection with Highway 99. It will continue to exist as a grade crossing to give access to the area which would be encompassed between the railroad and the realigned Highway 99.

The crossing is presently protected by two Standard No. 1 reflectorized crossing signs; three W-47 advance warning signs; one overhead street light 150 feet southwesterly, as well as crossing stripes and RRR on pavement on the west approach and Elm Avenue. The maximum permissible train speeds are 79 m.p.h. for passenger trains and 60 m.p.h. for freight trains. A traffic count taken for a period of one week from January 21, 1964 to January 27, 1964, indicated a daily average of 454 vehicles. A visual check covering a 12-hour period from 6:00 a.m. to 6:00 p.m. taken on February 4, 1965 indicated 559 vehicles and 15 trains. The crossing has had a history of ten accidents since July, 1939, which resulted in two deaths and four injuries.

The staff made the following recommendations:

1. Kiernan Avenue grade crossing be provided with automatic protection to consist of two Standard No. 8 flashing light signals supplemented with automatic gate arms.

2. Installation costs for installing automatic protection be apportioned 50 percent to be paid by County of Stanislaus and 50 percent to be paid by the Southern Pacific Company.

After consideration the Commission finds that the Kiernan Avenue grade crossing should be upgraded as recommended by the staff.

O R D E R

IT IS ORDERED that:

1. The Kiernan Avenue grade crossing of Southern Pacific Company (B-106.2) in the County of Stanislaus be further protected by the installation of two Standard No. 8 flashing light signals supplemented with automatic gate arms.

2. The acquisition and construction 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 costs for installing and constructing the automatic signals and gate arms set forth in ordering paragraph 1 hereof shall be apportioned on the basis of fifty percent to be paid by the County of Stanislaus and fifty percent to be paid by the Southern Pacific Company. Allocation of maintenance costs for protective devices at the crossing is deferred until further order of this Commission.

4. Within thirty days after completion of work pursuant to the 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 20th day of APRIL, 1965.

Fredrick B. Holbrook  
President

George J. Crover

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Commissioners

I dissent to the  
deferral treatment  
of maintenance costs.  
William L. Brund  
Peter E. Mitchell