

ORIGINALDecision No. 69201

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 the Southern Pacific Company
 in the City of Los Angeles,
 Crossing No. B-479.3-C
 San Fernando Road State Highway
 No. 4.

Case No. 7999

Randolph Karr, William E. Still and Walt Steiger,
 by Randolph Karr and Walt Steiger, for
 respondent.
 George D. Moe, Melvin R. Dykman and Alfred Gawthrop,
 by George D. Moe and Alfred Gawthrop, for
 Department of Public Works, State of California;
 and Roger Arnebergh by William B. Burge, for the
 City of Los Angeles; interested parties.
John C. Gilman and W. F. Hibbard, for the Commission
 staff.

O P I N I O N

Hearings on the above-entitled case were held before
 Examiner Rogers in Los Angeles, California, on November 23 and
 December 7, 1964, and February 9 and 10, 1965. On the latter date
 the matter was submitted subject to the filing of one exhibit and
 concurrent briefs. The exhibit and briefs have been filed and the
 matter is ready for decision.

The investigation concerns the crossing at grade on
 San Fernando Road (formerly State Highway Route No. 4, now
 Legislative Route 163) by the Southern Pacific Company (Railway)
 in the City of Los Angeles (Crossing No. B-479.3-C).

The investigation was to determine, among other things, whether or not public health, safety and welfare require the installation and maintenance of additional and 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.

A Commission engineer investigated the crossing and presented a report (Exhibit No. 1) the gist of which is as follows:

The location of the spur track crossing is approximately midway between the Pasadena Freeway and the Glendale Freeway. These freeways, where they cross San Fernando Road, are approximately 2-1/3 miles apart. The spur is off the Railway's main line through Los Angeles (City) and serves the plants of the Ralston Purina Company and Kay-Brunner Steel Products, Inc., both located east of San Fernando Road. San Fernando Road, at the point of the crossing, runs approximately north. The Railway's Taylor Yard is immediately west of San Fernando Road and extends north and south of the intersection of Frederick Street with San Fernando Road. Frederick Street terminates on the west at the east side of San Fernando Road. On July 6, 1911, Frederick Street was known as Hill Place. Presently it is known as Frederick Street. On July 6, 1911, Frederick Street and San Fernando Road were in the County of Los Angeles. On February 9, 1912, they were annexed to the City.

San Fernando Road, in this area, is a part of State Route 163 through the City, and carries an average daily traffic of 16,100 vehicles. A 24-hour vehicle check at the crossing made on Wednesday, October 14, 1964, showed a total of 16,880 vehicles

of which 7,830 were southbound (toward the City) and 9,050 were northbound. The heaviest concentrations of vehicles were between 7:00 and 9:00 a.m. southbound during which period 2,500 vehicles traversed the site of the crossing and between 4:00 and 6:00 p.m. northbound during which period 2,430 vehicles traversed the site of the crossing.

The physical characteristics of the crossing and the accident record thereat since September 1, 1959, are as follows:

1. Number of tracks 1 spur
2. Approach width 55 feet
3. Crossing angle 30 degrees
4. Illumination Yes
5. Protective devices 2 suspended crossbuck signs and 3 advance warning signs with "Exempt" signs
6. Estimated maximum train speed 8 MPH
7. Maximum permitted vehicle speed 40 MPH
8. Number of trains per day (except Sunday) 2
9. Average annual daily vehicles over crossing 16,100 - 24 hours
10. Sight distances (100 feet from crossing at center of street)

Northeast -	70 ft.
Northwest -	1,500 ft.
Southeast -	80 ft.
Southwest -	1,500 ft.
11. Train-vehicle accident record, September 1, 1959 through August 31, 1964:

<u>Date</u>	<u>Time of day</u>	<u>Number Killed</u>	<u>Number Injured</u>
March 6, 1962	1:40 a.m.	0	0
April 4, 1962	12:27 a.m.	0	0
May 16, 1964	1:00 a.m.	0	1
		0	1

3 Accidents

The foregoing facts are from Exhibit No. 1 which was prepared by a Commission staff transportation engineer. He stated that, based on the volume of vehicular traffic on San Fernando Road

at Frederick Street, motorists' restricted visibility of trains on the spur track and the accident record at the crossing, better protection is needed. He said in his opinion automatic gates would provide the most effective protection but due to the lack of space between the Railway's Taylor Yard on the west side of San Fernando Road and San Fernando Road, a gate cannot be installed on the west side of San Fernando Road due to impaired clearance with the spur track. He also said a Standard No. 8 flashing light signal cannot be used for the same reason. He concluded that cantilevered Standard No. 8 flashing light signals should be used modified so that the signal on the west side of the road would have no lights or crossbucks on the mast. He said in addition one Standard No. 8 flashing light signal should be installed on the north side of Frederick Street at the approach of the crossing in order to complete the protection. The Commission engineer also said that ordinarily the switching movements are made between midnight and 3 a.m. During this period only 360 vehicles crossed the site of the crossing according to a check made on October 14, 1964.

The engineer's recommendations for the protection at the crossing are as follows:

1. Two Standard No. 8 flashing light signals, supplemented with 12-foot cantilevers, be installed at the curb lines of San Fernando Road, with the following modifications:
 - a. No back lights to be displayed on masts or cantilevers.
 - b. No front lights or crossbuck to be displayed on mast of signal to be located on west side of San Fernando Road.

2. One Standard No. 8 flashing light signal be installed at the northerly curb line of Frederick Street.

3. "Exempt" signs posted at the crossing be removed, and authority for such posting be revoked.

4. Double White Stripes (clearance bars) and RXRs be painted on pavement on approaches to the crossing.

The Commission engineer estimated that the recommended signals would cost \$11,000 for San Fernando Road and an additional \$1,000 for Frederick Street.

The Assistant Division Engineer for the Railway testified that he had studied the staff's proposal and that in his opinion, the cost of protection recommended by the staff would be \$11,620, including the Frederick Street protection. This witness further testified that the involved area which includes the portion of San Fernando Road and Frederick Street at the crossing was, with other territory, annexed to the City in February, 1912. He further testified that the recommendation that buses should come to a mandatory stop (removal of "exempt" signs) is out of line with the safety involved at the crossing. It was his expressed opinion that this would create an additional hazard. He also disagreed with the proposal for flashing lights on Frederick Street. He said he could find no reason why flashing lights should be added at this latter street and that the existing stop sign has functioned very well with no accidents. He agreed with the staff engineer's recommendation relative to cantilever type protection at San Fernando Road as the best if automatic protection is to be provided. He stated, however, that this protection is not necessary. He said

that the proposed signals by themselves, as they would be unduly high, in unusual positions and in an area that is lighted from the adjacent Taylor Yard, would not be as prominent as they would be in a darker location and so would be less efficient and less effective. It was his opinion that the type of accident happening here would not be altered by the presence of the recommended signals. In recapitulation, he said that the cantilevered lights are not necessary; that a light on Frederick Street is not necessary; and that the benefits of the staff's recommendations are questionable considering the costs. He did not believe there would be any reduction in accidents. The witness also stated that if additional protection is required, the costs should be divided 50 per cent to the Railway and 50 per cent to the Department of Public Works of California as set forth in the Commission's suggested apportionment of expenses (Appendix G to Exhibit No. 1).

A City traffic engineer testified that in his opinion if the "exempt" signs were removed on San Fernando Road, the stopping buses or gasoline trucks during the busy traffic hours would cause rear end collisions or sideswiping accidents.

An engineer for the State Department of Public Works testified that San Fernando Road at Frederick Street is a State Highway (Route 163) and became such in 1911. He stated that the Division concurs with the Commission staff that automatic crossing protection should be installed at the crossing. He stated, however, that the costs should be borne by the Railway pursuant to the ordinance in effect when the crossing was installed. The ordinances and documents referred to are Ordinance No. 61206, dated

June 25, 1928, as amended (Appendix F, page 1, to Exhibit No. 1), and Ordinance No. 95072, dated June 30, 1949, (Appendix F, page 2, to Exhibit No. 1). These are Los Angeles city ordinances granting spur track permits, including the spur track here involved, providing fees and conditions therefor, including the assessing of all expenses to the Railway, and purporting to permit revocation thereof by the City.

Findings

Upon the record herein, the Commission finds that:

1. The Railway has a spur track which branches from its Taylor Yard located west of San Fernando Road in the City across San Fernando Road at grade and across a small portion of Frederick Street to serve industries east of San Fernando Road and south of Frederick Street. San Fernando Road in this area is a State Highway under the control of the Department of Public Works of California, and Frederick Street is a City street. The area is entirely in the City.

2. An average total of 16,100 vehicles per day travel on San Fernando Road across the spur track. Of these, approximately 2,500 cross the site of the crossing between 7 a.m. and 9 a.m. and approximately 2,430 vehicles cross the crossing between 4 p.m. and 6 p.m. With few exceptions, all switching movements on the spur track across San Fernando Road are between midnight and 3 a.m. A traffic count made on October 14, 1964, showed that during that three-hour period only 360 vehicles crossed the site of the spur track. The traffic on Frederick Street is very light and there is no record of the volume thereof.

3. The present protection at the crossing consists of two suspended crossbuck signs and three advance warning signs, together with "exempt" signs. The maximum train speed at the crossing is 8 MPH and the maximum permitted vehicle speed is 40 MPH. The number of trains per day is two. Trains entering the spur from the west are clearly visible to both north and southbound vehicular traffic on San Fernando Road. Trains preparing to cross San Fernando Road from the east are only visible to vehicles on San Fernando Road 100 feet from the crossing at points not to exceed 80 feet from the point the spur track enters Frederick Street.

4. The protection at the crossing is inadequate. The crossing is hazardous to trainmen and the public using the crossing and public health, safety and welfare require that the crossing be protected as stated in the order herein in accordance with the recommendations of the Commission engineer.

5. Fifty per cent of the costs of the signal protection in each instance should be allocated to the Railway. Fifty per cent of the Frederick Street signal protection should be allocated to the City; 50 per cent of the San Fernando Road signal protection should be allocated to the Department of Public Works. In addition to the foregoing, the City should paint double white stripes and RXRs on the pavement of Frederick Street at the approach to San Fernando Road and the Department of Public Works should paint double white stripes and RXRs on San Fernando Road on each approach to the crossing.

6. The "exempt" signs posted at the crossings should remain in place.

7. The allocation of the cost of maintaining protective devices at the crossing should be deferred until further order of the Commission.

Conclusion

The Commission concludes that the crossing herein considered should be protected as set forth in the ensuing order; that the cost of the installation thereof should be apportioned as set forth in the ensuing order; and that the allocation of maintenance costs of such protection should be deferred.

O R D E R

IT IS ORDERED that:

1. The Southern Pacific Company shall remove the existing crossbuck signs on San Fernando Road (Crossing No. B-479.3-C) and install two Standard No. 8 flashing light signals, supplemented with 12-foot cantilevers at the curb lines of San Fernando Road with the following modifications:

- (a) No back lights shall be displayed on masts or cantilevers.
- (b) No front lights or crossbuck shall be displayed on mast of signal to be located on the west side of San Fernando Road.

One Standard No. 8 flashing light signal shall be installed at the northerly curb line of Frederick Street. The City of Los Angeles and the Department of Public Works shall paint double white stripes (clearance bars) and RKR's on the pavement on Frederick Street and on San Fernando Road on their respective approaches to the crossing. The "exempt" signs shall remain in place.

2. The costs of the No. 8 flashing light signals on San Fernando Road shall be apportioned 50 per cent to the Southern Pacific Company and 50 per cent to the Department of Public Works. The cost of installing the No. 8 flashing light signal on Frederick Street shall be apportioned 50 per cent to the Southern Pacific Company and 50 per cent to the City of Los Angeles. The City of Los Angeles and the Department of Public Works shall each pay the costs of painting the double white stripes and RXRs on the pavement on the respective street or highway maintained by it.

3. 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 the work hereinabove authorized, the Southern Pacific Company shall notify the Commission in writing of the compliance with the conditions hereof.

5. The improvements herein provided for are to be completed within one hundred eighty days from the effective date of this order.

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

Dated at San Francisco, California, this 8th day of JUNE, 1965.

Fredrick B. Halbluff President
George J. Hoover
Augustus
Commissioners

I dissent as to the deferral of maintenance work.
Hullman & Brund

I dissent
Peter E. Mitchell