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ORIGINAL

Decision No. 69868

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the status, safety, maintenance, operations, use and protection of crossings at grade of the Southern Pacific Company near Chualar at Milepost 130.5, near Penvir at Milepost 132.3, near Aromas at Milepost 95.0, in Monterey County.

Case No. 8049

Harold S. Lentz, for Southern Pacific Company; and William Mevis, for County of Monterey, respondents.
John C. Franz, District Engineer, for Division of Industrial Safety; Lawrence G. Brown, in propria persona; and W. A. Sadler, for Takeo Yuri, interested parties.
Elmer J. Sjostrom and M. E. Getchel, for the Commission staff.

O P I N I O N

The Commission instituted this investigation on October 27, 1964 into the status of and protection required for three rural grade crossings in Monterey County, located on Southern Pacific Company's Coast Route main line at or near Milepost 130.5 (Chualar), Milepost 132.3 (Penvir) and Milepost 95.0 (Aromas). Each crossing provides access from state highways (Chualar and Penvir) or county roads (Aromas) to row-crop ranches and labor camps located thereon.

Motions to dismiss the investigation were made by respondents Southern Pacific Company and the County of Monterey at the hearing held March 30, 1965 at Salinas before Examiner Gregory, on the grounds that the staff had failed to establish that the crossings were publicly used (County of Monterey) and

that the protection recommended by the staff was not economically justified (Southern Pacific). Southern Pacific also requested that if the Commission determined that the crossings were publicly used and ordered protective devices installed, as recommended by the staff, the question of apportionment of costs of maintenance for the protective devices be left to agreement of the parties, or decided by the Commission if the parties could not agree. The County requested that the proceeding be stayed until adjacent landowners or ranch operators could be brought in as necessary parties for the purpose of establishing the status of the crossings as publicly used or private.

Rulings were reserved on the various motions and requests and the case was continued to a date to be set.

This case should and will now be taken under submission. The record shows that each of the crossings is publicly used and presents special hazards for vehicular traffic. Each should have adequate protection and their approaches should be improved. The respective motions of Southern Pacific and the County of Monterey, therefore, will be denied.

The evidence discloses that the crossings near Milepost 130.5, about one mile south of Chualar River Road, and near Milepost 132.3, approximately two and one-half miles north of Gonzales, provide access from State Highway 101 by means of circuitous paved roads to various ranches and the C. W. Englund Labor Camp located thereon. Each crossing has unrestricted sight distance in all quadrants, except that, when approaching the crossings from the west at a distance of about 25 feet, two pole lines on the west side of the track converge to form, in effect, a curtain that limits sight distance north and south along the track.

Vehicular traffic counts taken by the Commission staff on October 17 and 18, 1963 and December 8 and 9, 1964 disclosed fairly heavy use of the crossings by a variety of vehicles, including school buses of the Chualar Elementary School District and labor buses.

The crossing at Milepost 132.3 has private crossing signs and a stop sign located east of the track in the railroad right-of-way. The crossing at Milepost 130.5 has neither a private crossing sign nor any form of warning signal. Neither crossing is fenced or barricaded. The approaches to these two crossings from the ranch properties, and the crossings themselves, are paved to a width of about 12 to 15 feet. Grades of approach in an easterly direction are eight percent and six percent, respectively; in a westerly direction they are less steep. The angle of approach is 90 degrees at each crossing.

Six passenger and 22 freight trains, with permitted timetable speeds of 70-60 m.p.h., pass over these crossings daily. School buses and trains were observed to approach these crossings within the same approximate half hour.

Accident records over the past ten years reveal that one person was killed on September 7, 1962 and one person was injured on September 1, 1964 at the crossing near Milepost 132.3. On September 17, 1963 thirty-two persons were killed and twenty-seven injured in a collision between a train and labor bus at the crossing at Milepost 130.5.

The crossing at Aromas, near Milepost 95.0, is an extension of Kortright Lane, a paved county road which provides access to various ranches and the Carbojal Labor Camp. There is a rough dirt road from Carpinteria Avenue north of and parallel

with the double main line of tracks, which gives access to the area without the need for crossing the railroad. The crossing of Carpinteria Avenue with the tracks at Aromas (Crossing No. E-94.5), about one-half mile east of Kortright Lane, is protected with flashing light signals and gates.

Sight distance at the Kortright Lane crossing is limited to about 1600 feet to the west along the tracks, which curve to the west through a steep cut bank in a ridge. A vehicle negotiating this crossing has about fifteen seconds to do so, after first observing an eastbound train moving at permitted speeds. A vehicle approaching the crossing along the road from the labor camp, which parallels the northerly side of the tracks, must not only negotiate a steep grade but must also execute a right turn just prior to entering the crossing.

A staff traffic check taken at the crossing on December 9, 1964, when the labor camp was not in operation and no winter crops were being harvested, revealed that a total of forty vehicles and thirteen passenger and freight trains traversed the crossing between 6:00 a.m. and 6:00 p.m. The record discloses that the labor camp operates usually from April to November or, sometimes, January, and that the workers who live at the camp are employed by a number of ranches in the vicinity, to which they are transported over the Kortright Lane crossing. The crossing is also used by owners of neighboring ranches and homes north of the tracks and by tradesmen's vehicles and utility service equipment.

The crossing at Kortright Lane is about twelve to fifteen feet wide, the angle of crossing is 90 degrees and the permitted train speed is from 70-55 m.p.h. There is no record of any deaths or injuries at this crossing during the last ten years. There is

a private crossing sign south of the tracks alongside Kortright Lane. There are also two warning signs--one south of the tracks near the private crossing sign and one north of the rails alongside the dirt road leading from the labor camp. These signs, erected at the instance of the Watsonville Growers Association, state in substance, that vehicles carrying farm workers must not cross the tracks; the workers must get out and walk across before the vehicles may proceed. This crossing is neither fenced nor barricaded.

The crossings involved in this investigation all provide the only means of access by paved, all-weather roads to various ranches and residences in the areas they respectively serve, for school buses, labor vehicles, tradesmen, utility service equipment and any other vehicles having occasion to use them. Each crossing, under present conditions, presents hazards to public safety due to restricted visibility, to narrow or steep approaches, or to lack of adequate warning signs or other means of protection from high speed rail traffic.

The staff has taken the position, in this proceeding, that each of the crossings is hazardous, is publicly used and should be either adequately protected or closed. The evidence of record, in our opinion, fully supports the position of the staff.

We find that:

1. The grade crossings at Mile Posts 130.5, 132.3 and 95.0 over the main line of the Southern Pacific Company at those locations in Monterey County are now and for some time past have been publicly used crossings and were originally established under deed conditions.

2. The present protection at each of said crossings is inadequate and the condition of the roads and approaches thereat is inadequate and hazardous for the public safety and health of the users.

3. Public safety and health require the improvement of said crossings and approaches thereto and the installation and maintenance of adequate protection devices thereat.

We conclude, therefore, that improvements at said crossings should be made and installed as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. The three existing crossings considered in this proceeding are hereby declared to be publicly used crossings and shall be identified as Crossings Nos. E-95.0 (near Aromas), E-130.5 and E-132.3 (near Chualar).

2. The County of Monterey, respondent herein, within one hundred eighty days after the effective date of this order, shall pave approaches of said crossings to a width of twenty-four feet, reconstruct approach grades not to exceed six percent, post advance warning signs and paint double white line and "RXR" pavement markings in advance of each crossing, all at County expense.

3. Southern Pacific Company, respondent herein, within one hundred eighty days from the effective date of this order, shall increase the width of the paved crossing in the track area at each said location to twenty-four feet at the company's expense and

shall install at each of said three crossings two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic gate arms. The cost of such installation shall be borne fifty percent by the Southern Pacific Company and fifty percent by the County of Monterey.

4. Southern Pacific Company and the County of Monterey, within thirty days after completion, respectively, of the improvements referred to in paragraphs 2 and 3 hereinabove, shall each so advise the Commission in writing.

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

Dated at San Francisco, California, this 26th day of OCTOBER, 1965.

Frederick B. Holbrook
 President

John E. Mitchell

George L. Hoover

Quigley

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.