

ORIGINALDecision No. 70009

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 Pacific Electric Railway
 Company in the City of El Segundo,
 County of Los Angeles, Crossing
 No. 6RA-17.26-C Sepulveda Boulevard.

Case No. 7996
 (Filed September 1, 1964)

Randolph Karr and Walt A. Steiger,
 by Walt A. Steiger, for Pacific
 Electric Railway Company, and
Robert L. Webb, Sr., for the
 City of El Segundo, respondents.
 George D. Moe, Melvin R. Dykman and
 Alfred Gawthrop, by George D. Moe,
 for the State of California,
 Department of Public Works,
 respondent.
John C. Gilman, for the Commission
 staff.

O P I N I O N

The Commission instituted this investigation to inquire into the safety, maintenance, operation, and use of the spur track grade crossing at Sepulveda Boulevard (State Highway 1, formerly Pacific Coast Highway) in the City of El Segundo, Crossing No. 6RA-17.26-C, and to determine the need, if any, of installing and maintaining additional or improved protective devices at said crossing, and to make such apportionment of costs, including maintenance costs, among respondents, or any of them, as may appear just and reasonable.

A public hearing was held before Examiner Chiesa, at Los Angeles, on December 8, 1964. The matter was submitted on briefs which have been filed.

The City of El Segundo (El Segundo), Pacific Electric Railway Company (Pacific Electric), and the Department of Public Works of the State of California (Department) were made respondents in this proceeding.

Counsel for the Pacific Electric moved for an order adding, as respondents, the Standard Oil Company of California (Standard Oil) and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) on the grounds that Standard Oil is the owner of the spur track and that Pacific Electric is only performing switching operations over said track and crossing for the Santa Fe pursuant to agreements with the latter. No ruling was made on the motion which will be considered herein. In support of this motion, Pacific Electric offered Exhibits Nos. 6 to 12, inclusive.

This crossing was constructed in 1934 pursuant to authority granted to El Segundo by Decision No. 26735, dated January 15, 1934. Said decision provided, among other things, that costs of crossing construction and protective devices be borne in accordance with an agreement between the City and Standard Oil (Exhibit 3 of Application No. 19251),¹ maintenance costs to be borne by the City for work outside of lines two feet

¹ The agreement, dated November 15, 1933, provided that El Segundo would reimburse Standard Oil for the costs of relocating said tracks and the City would also indemnify Standard Oil "against all cost, loss, damage and expense arising therefrom."

outside of rails, and the maintenance costs between lines two feet outside of rails by the Santa Fe.

By Third Supplemental Order in Decision No. 27392, the Commission changed the number of the crossing from Crossing No. 2W-15.7-C, a Santa Fe number, to Crossing No. 6RC-17.26-C (later changed to No. 6RA-17.26-C), a Pacific Electric number, and ordered that maintenance of protective devices be borne by the Pacific Electric instead of the Santa Fe, as the Pacific Electric Railway Company was the operator over said crossing.

Exhibits Nos. 6, 7, and 8 are agreements, entered into prior to the construction of the crossing, between the Pacific Electric and the Santa Fe, pertaining to the performance of switching services by the former for the latter and the payment therefor; Exhibit No. 2 is an agreement between the Pacific Electric and Standard Oil antedating the crossing, and provides that the latter will maintain the tracks in good condition; Exhibits Nos. 9 and 11 are also agreements between Pacific Electric and Standard Oil and provide that Standard Oil shall reimburse the Pacific Electric Railway Company for improving and reconstructing the tracks and installing and replacing protective devices; Exhibits Nos. 10 and 12 are agreements between the Pacific Electric Railway Company and the City of El Segundo and provide that the City shall reimburse the railroad for work and materials for installing protective devices and flood lights, the City agreeing to maintain the floodlights at its own expense.

Although the rails are the property of the Standard Oil Company, the Pacific Electric is the only operator of trains

over said crossing. Sepulveda Boulevard is a state highway under the jurisdiction and control of the Division of Highways of the Department of Public Works.

The aforementioned agreements span a period from April 21, 1921, to August 26, 1957. The agreements touching upon the matters of crossing construction, protective devices and/or maintenance having been reviewed, we see no justification for respondent Pacific Electric's request to bring Standard Oil and the Santa Fe into the proceeding as parties respondent.

Five witnesses testified, one each for the City, the Commission staff, and the Department of Public Works, and two for the Pacific Electric. There were sixteen exhibits and Application No. 19251, Decision No. 26735 and supplemental orders thereto are in evidence by reference.

The parties are in agreement that protection at this crossing should be improved. The City of El Segundo and the Commission staff made specific recommendations. The Pacific Electric and Department of Public Works favored improvements limited to additional lighting and other minor changes or additions. With the exception of the City's willingness to pay for improved illumination at the crossing and along Sepulveda Boulevard, there was a noticeable desire on the part of all the respondents not to

share in the cost of construction and maintenance of any improvements that may be required.

The evidence shows that:

Crossing No. 6RA-17.26-C was established in May, 1934, pursuant to Decision No. 26735, on Application No. 19251, filed by the City of El Segundo. The same year the crossing was opened, Sepulveda Boulevard (formerly Arizona Avenue) became a state highway and is now part of new State Route 1, also known in this area as Pacific Coast Highway. The crossing is approximately 900 feet north of the intersection of Rosecrans Avenue and Sepulveda Boulevard. The track is an industrial spur owned by the Standard Oil of California and runs from the rail yards of the Pacific Electric and the Santa Fe, located easterly of Sepulveda Boulevard, to the Standard Oil refinery located on the westerly side of said Boulevard. Said track was in operation several years before the crossing was opened. Trains operating over this spur serve the Standard Oil Company and also a chemical company bordering on the east side of the highway. Trains serving the oil company cross the highway, trains serving the chemical company must switch onto or past the highway and then switch back to the chemical company's track.

Sepulveda Boulevard in this area has three lanes of traffic in each direction, with 10-foot painted medians. No parking is permitted on either side of the highway. The average daily traffic is approximately 34,400 vehicles. Train movements over the crossing occur during day and night hours. On October 30, 1964, there were seven through movements and a like number of

switching operations. Twelve movements occurred between 12:25 a.m. and 3:02 a.m., and two between 5:00 p.m. and 6:00 p.m. However, trains are operated twenty-four hours a day, seven days per week.

Other data concerning said crossing are as follows:

Number of tracks.	1
Approach width.	76 feet
Angle of crossing	60 degrees
Approach grades (within 100 feet of track).	1½% maximum
Illumination.	Yes
Automatic protective devices.	2 Standard No. 8 flashers, (cantilevers)
Estimated maximum train speed	10 MPH
Maximum permitted vehicle speed	45 MPH
Sight distances (100 feet from crossing, from center of street):	
Northeast	500 feet
Northwest	100 feet
Southeast	100 feet
Southwest	100 feet

Between March 10, 1961, and April 10, 1964, there were ten accidents at the crossing, resulting in one death and five injuries, according to the Commission's records (Exhibit No. 1, Appendix E). The City's Exhibit No. 13 shows ten accidents between January 15, 1955, and April 10, 1964, which resulted in four deaths and eight injuries.² Nearly all accidents occurred in the early morning hours. The speed of the motor vehicles varied from 25 to 75 miles per hour and train speeds were five to 15 miles per hour. On two occasions, the train was not in motion.

The crossing is located in a fast-growing industrial and residential area. Many acres of prime industrial land in the

² The City's exhibit is based on police reports, the Commission staff exhibit on the reports of the railroad. Three accidents prior to March 10, 1961, resulted in one death each and in one of these, five persons were injured.

immediate vicinity are yet to be developed. Sepulveda Boulevard is the main north and south artery for four cities in the South Santa Monica Bay area. During morning and evening peak hours and weekends, the volume of traffic over this crossing is almost capacity.

The protective devices now in place consist of two Standard No. 8 flashing light signals, supplemented with flashing lights on cantilever arms, and there are two 20,000 lumen lights at the crossing.

The Commission's staff recommends that (1) the two present cantilevered No. 8 flashing light signals be augmented by two Standard No. 8 flashing light signals placed in raised center medians, with all signals being supplemented by automatic gates, and (2) installation of yellow flashing light signals on cantilevers, with illuminated advance warning signals replacing present advance warning signs.

The City of El Segundo recommended (1) upgrading present safety lights from 20,000 lumen to 55,000 lumen, (2) placing large overhead flashing red neon "R.R./STOP/R.R." signals at and in advance of the crossing, supplemented by warning bells, (3) train activated signals at the intersection of Rosecrans and Sepulveda Boulevard, and (4) lighting Sepulveda Boulevard between Rosecrans and El Segundo Boulevard.

A witness for Pacific Electric estimated the cost, with gates in median strips and at curb side of highway, to be between \$17,450, with track circuit controls, and \$26,800, with Marquardt grade crossing predictors. Automatic gates at side curbs only would

cost approximately \$6,000 less, not including, however, cost of relocating overhead wires or any underground installations, should that be necessary.

The objections to the Commission staff's recommendations were that the supplementation would be too costly and not justified under the circumstances. The objection to the City's plan was that it would tend to confuse motorists accustomed to protective devices of the type recommended by the staff, which are quite uniform throughout the state.

The Commission finds that:

1. The present crossing protection devices at Crossing No. 6RA-17.26-C in the City of El Segundo are inadequate and said crossing is hazardous to the public health and safety.
2. The volume of motor vehicle traffic using said crossing, the number of train movements crossing Sepulveda Boulevard, and past accident record, as set forth hereinabove, justify upgrading and improving the present crossing protection.
3. The Commission staff recommendation that two Standard No. 8 flashing light signals be installed in raised center medians to augment the present cantilevered No. 8 flashing light signals at the curbs, all four signals to be supplemented with automatic gates, is reasonable and should be adopted.
4. The Pacific Electric Railway Company, City of El Segundo, and Department of Public Works, respondents herein, are the necessary parties to this investigation. The motion to join others should be denied.

5. Pacific Electric Railway Company (Southern Pacific Company)³ is the only operator of trains over the spur track at the said crossing.

6. Sepulveda Boulevard is a state highway within the city limits of El Segundo and is under the jurisdiction and responsibility of the Department of Public Works.

7. The cost of construction and maintenance of the signal protection hereinafter set forth should be borne equally by the Southern Pacific Company and the Department of Public Works. The cost of providing and maintaining the necessary raised center medians should be borne entirely by the Department of Public Works.

Based upon the evidence and the findings, the Commission concludes that crossing protection at Crossing No. 6RA-17.26-C should be improved in the manner set forth in the order that follows and that costs should be apportioned as provided in the above findings.

The motion to join other respondents is denied.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall, on or before six months from the effective date of this order, improve the grade crossing

³ On August 13, 1965, the Pacific Electric Railway Company was merged with the Southern Pacific Company.

protection at Crossing No. 6RA-17.26-C, Sepulveda Boulevard, by installing two Standard No. 8 flashing light signals in raised center medians, retaining the two present cantilevered No. 8 flashing lights at the curbs, and supplementing all four signals with automatic gates. Back lights may be omitted from signals mounted in medians.

2. The cost of constructing and maintaining the improvements required in paragraph 1 hereof, except raised center medians, shall be borne equally by the Southern Pacific Company and the Department of Public Works of the State of California.

3. The cost of constructing and maintaining the raised center medians on either side of the crossing shall be borne entirely by the Department of Public Works.

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

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1965.

[Signature] President
[Signature]
[Signature]

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners

I concur, except as to the failure to determine whether or not the protection should include predictors. The difference amounts to almost \$10,000, and the parties should be told what we have in mind. ⁻¹⁰⁻ If the railroad is to be allowed to decide this issue, we should clearly say so.
George T. Crover