

ORIGINAL

Decision No. 70620

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the City of Port Hueneme,
Ventura County, California, for
an order granting permission to
the City of Port Hueneme for the
construction and maintenance of
a Public Street Crossing over
the Ventura County Railway Co.
approximately 0.02 miles North of
existing Crossing No. 45C-3.62

Application No. 47976
(Filed October 18, 1965)

William H. Hair and Douglas A.
Stark, for applicant.
Gustafson, Thompson & Cohen,
by Stanley E. Cohen, for the
Ventura County Railway Company,
protestant.
William F. Hibbard, for the
Commission staff.

O P I N I O N

A public hearing on the above application was held before Examiner Rogers in the City of Port Hueneme on February 16, 1966, and the matter was submitted.

This Commission's Decision No. 37163, dated June 27, 1944, in Application No. 26188, authorized the construction of the track herein referred to from the Patterson Ranch Branch (Branch) of the Ventura County Railway Company (Company) across Oxnard Road, now known as Channel Islands Boulevard (Boulevard) (Crossing No. 45C-3.62), and the protection of said crossing by one Standard No. 1 crossing sign (General Order No. 75-3). The

track terminates on the south in the United States Naval Construction Battalion Center (Naval Center) in the City of Port Hueneme (City). Sometime between the original order and the date of the hearing herein, some person or entity added a second crossing sign and two Standard No. 3 wigwags (General Order No. 75-B), one on each side of the existing Boulevard at the crossing site. Apparently the wigwags were originally activated by the train movements. At sometime after the installation of the warning devices, a Ventura County flood control channel (channel) was constructed parallel to the Boulevard on the north side thereof and the wigwags were disconnected. Since such construction, a guard at the gate at the entrance to the Naval Center has been activating the wigwags by controls at the gate when trains enter or leave the Naval Center.

The Boulevard extends in an east-west direction between the City of Oxnard on the east, through the City of Port Hueneme to McGrath Road, which is parallel to the ocean shore and approximately three-eighths of a mile east therefrom. The Naval Center is located on the south side of the Boulevard and occupies the area between Ventura Road (a north-south street which is the eastern boundary of the City and the western boundary of the City of Oxnard and is approximately three-fourths of a mile east of Patterson Road) and West Road which is a north-south street in the City approximately three-fourths of a mile west of Patterson Road. Patterson Road extends from the north side of the Boulevard, north for a distance of approximately one and one-half miles. The track is a single line extending

from north of the Boulevard across the Boulevard and into the Naval Center. It is parallel to and approximately 25 feet east of the east side of Patterson Road. Traffic on Patterson Road is controlled by an overhead signal in the center of the "T" intersection of Patterson Road and the Boulevard which normally shows flashing yellow lights for traffic on the Boulevard and flashing red lights for traffic on Patterson Road. This signal changes to flashing red lights for all traffic when the guard activates the wigwags to permit trains to cross the Boulevard.

The City proposes to make the Boulevard a four-lane divided highway straddling the channel between Ventura Road and Patterson Road and eventually to extend the Boulevard as a four-lane highway from Patterson Road to the ocean. The time of construction west of Patterson Road is unknown, but the City desires to complete the divided Boulevard from Ventura Road to Patterson Road immediately. Its plans call for a crossover of the channel commencing on the north side of the channel east of Patterson Road and joining the existing Boulevard south of the channel and 80 feet west of Patterson Road. This crossover would cross the track at approximately Mile Post 3.60. One roadway of the Boulevard north of the channel is to continue straight from Ventura Road to a junction with Patterson Road.

The protection proposed by the City would consist of the existing No. 3 wigwags operated by the guard with the one now located on the east side of the track relocated north of the channel to control traffic proceeding west on the Boulevard

across Patterson Road; a limit line and stop sign on the Boulevard on the east side of Patterson Road east of the track and north of the channel to control westbound traffic intending to turn north on Patterson Road; two 20,000 lumen street lights, one of which would be on the west side of the track and north of the channel, and one of which would be south of the Boulevard and on the west side of the track; and the existing traffic signal plus an additional traffic signal near the center of Patterson Road above the Boulevard where the Boulevard will curve to join the existing Boulevard west of Patterson Road, both activated by the guard.

The City engineer testified that approximately 5,000 vehicles per day use the Boulevard in the City; the City proposes to make the Boulevard a four-lane divided highway from the City of Oxnard west to the ocean; immediate plans call for a four-lane highway between Patterson Road on the west and Ventura Road on the east; the divided highway west of Patterson Road will be constructed at a future date; the proposed crossing is necessary at the present time; if the guard at the Naval Center opens the gates ahead of time, the train speed is 10 to 12 miles per hour across the Boulevard, and if the gates are closed, the train speed is 8 to 10 miles per hour across the Boulevard. The witness further testified that the sight distance for westbound traffic on the Boulevard is unlimited and for eastbound traffic on the Boulevard it is approximately 500 feet; and in the past five years there has been only one accident at this crossing, and in this accident

two people were killed and three were injured (Exhibit 4). In this witness' opinion the proposed protection will be adequate.

A staff associate transportation engineer investigated the crossing. The following facts developed by him are not in dispute: The Boulevard is the principal route providing access between South Oxnard and the City and the communities of Silver Strand, Hollywood Beach, Hollywood-by-the-Sea, and Channel Islands Small Craft Harbor. The area adjacent to the Boulevard, other than the Naval Center, is rapidly changing from agricultural to recreational, shopping center, and residential. Less than one mile west of the crossing, Channel Islands Development Company plans to open during the summer of 1966 an area at the Small Craft Harbor devoted to apartments, motels, a restaurant and cocktail lounge, shops, boat slips, and a yacht club. A new 17-acre shopping center is being constructed at the intersection of the Boulevard and Ventura Road. The Branch originates in downtown Oxnard and terminates at the Naval Center immediately south of the crossing. The Branch is used for the shipping and receiving activities of a vegetable grower and the Naval Center. Train traffic over the crossing has consisted of two train movements per day in each direction, generally between the hours of 10 a.m. and 4 p.m., Mondays through Saturdays, but there is no prohibition against train movements at other times of the day. Vehicle traffic over the crossing includes six loaded school buses generally between 7 a.m. and 4 p.m. A guard in the Naval Center is usually aware of the trains in advance and opens the gate before the trains near the crossing and as a result the trains cross the Boulevard at approximately 13 miles per hour without stopping. If the gate is not open in advance, the trains stop several hundred feet from the crossing area until the gates are opened and then proceed through the crossing at speeds of 5 to 10

miles per hour. At the time the guard opens the gate he manually operates the Standard No. 3 wigwags and changes the traffic signal to flashing red. Due to nonautomatic control of the crossing protection devices, the advance warning time of approaching trains at the crossing sometimes is less than the minimum 20 seconds prescribed in the Commission's General Order No. 75-B.

The staff witness recommended, among other things, that:

1. The crossing be protected by four Standard No. 8 flashing light signals (backlights may be omitted), with automatic controls to provide advance warning time as prescribed by General Order No. 75-B.

2. The traffic signals be coordinated with the railroad crossing signals so that upon approach of trains, or while trains are occupying the crossing, the traffic signals will be preempted to eliminate conflicting aspects with the railroad signals.

3. The crossing protection be placed in service before the crossings are completed and fully opened to the public.

The general manager of the Company testified that normally there are two round trips by trains on the Branch between 11 a.m. and 5 p.m., but on occasion there are three round trips; the crossing was established in 1951 and since that time there have been no fatal accidents other than the one referred to; and this crossing will need some automatic protection for westbound traffic on the proposed northern roadway.

Findings

The Commission finds that:

1. Channel Islands Boulevard in the City of Port Hueneme is along and parallel to and on the south side of a flood control channel. The City proposes to add a westbound traffic lane to said

Boulevard on the north side of the flood control channel between Ventura Road on the east and Patterson Road on the west, a distance of approximately 4,000 feet. In doing this, the City proposes to construct a roadway across Patterson Road merging with the existing Boulevard approximately 80 feet west of Patterson Road. The proposed construction of the Boulevard north of the flood control channel is desired by the City based on its past history and future growth. Public convenience and necessity require the construction of the new portion of the Boulevard as proposed by the City. The proposed construction is reasonable and proper.

2. The railroad parallels and is approximately 25 feet east of Patterson Road. The northern roadway of the Boulevard will cross the track approximately 50 feet north of the existing crossing of the track by the Boulevard.

3. The City's proposed protection of the new crossing is neither reasonable nor proper and such protection would be adverse to the public health, safety and welfare. Public health, safety and welfare require that the existing crossing and the new crossing be protected as set forth in the order herein and that the crossing protection at each crossing be coordinated with the traffic signals so that while trains are in either crossing, or approaching, either crossing, the traffic signals will be preempted to eliminate conflicting aspects with either of the crossing signals.

4. The railroad will receive no benefit from the new crossing, but will benefit from the increased protection at the existing crossing.

5. A separation of grades is not warranted due to the infrequency of train movements and is impractical due to the flood control channel.

6. The installation cost of the railroad crossing signals at the existing crossing should be apportioned one-half each to the City and the railroad.

7. The installation costs of the signals at the new crossing should be borne 100 percent by the City.

8. The costs of traffic signal coordination and the improvement of the Boulevard should be borne 100 percent by the City.

9. The costs of preparing the track to receive paving should be borne 100 percent by the railroad.

10. At each crossing the cost of maintenance of the signal protection should be borne by the same entities and in the same percentage as the cost of such protection is borne.

Conclusion

The Commission concludes that the application should be granted as requested except that the protection should be modified as set forth in the order herein and that the costs of the changes and the installation and maintenance costs should be apportioned as set forth in the order herein.

O R D E R

IT IS ORDERED that:

1. The City of Port Hueneme is authorized to construct a crossing at grade of the Ventura County Railway Company, Patterson Ranch Branch, at Channel Island Boulevard (Crossing No. 45C-3.60), substantially in the manner and in accordance with the plans set forth in Appendix C to Exhibit 5 in this proceeding, subject to the conditions set forth herein.

2. The new crossing (Crossing No. 45C-3.60) shall be protected by two Standard No. 8 flashing light signals (General Order

No. 75-B) located as shown on said Appendix C to Exhibit 5 herein. The costs of installing the protection and the cost of maintenance thereof after installation shall be borne 100 percent by the City.

3. The cost of preparing the track to receive the pavement in the new crossing (Crossing No. 45C-3.60) between lines two feet outside the rails shall be borne by the Ventura County Railway Company.

4. The present protection at the existing crossing (Crossing No. 45C-3.62) shall be removed. Said crossing shall be protected by two Standard No. 8 flashing light signals (General Order No. 75-B), located as shown on said Appendix C to Exhibit 5 herein. The costs for installing this protection and the cost of maintenance thereof shall be borne 50 percent by the City of Port Hueneme and 50 percent by the Ventura County Railway Company.

5. The City of Port Hueneme shall coordinate all new and existing traffic signals with the railroad crossing signals referred to herein so that upon the approach of trains, or while trains are occupying the crossing, the traffic signals will be preempted to eliminate conflicting aspects with the railroad signals. The costs of the coordination of such traffic signals with the railroad crossing signals shall be borne 100 percent by the City of Port Hueneme.

6. The City of Port Hueneme shall bear any costs not otherwise specifically assigned herein.

7. All crossing protection and coordination thereof specified in this order shall be fully installed, completed and placed in operable condition before the new crossing (Crossing No. 45C-3.60) is opened to the public.

8. The improvements herein provided for are to be completed within one year from the effective date of this order.

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

Dated at San Francisco, California, this 26th day of APRIL, 1966.

Fredrick B. Hallock
President
John E. [unclear]
George T. Grover
Avogador
William W. [unclear]
Commissioners