

ORIGINALDecision No. 70866

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, maintenance, use and protection or closing of crossings at grade of the lines of SOUTHERN PACIFIC COMPANY and THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY in the City of Redlands, County of San Bernardino, California, with Tennessee Street, Church Street, University Street, and Judson Street; Crossing Nos. BP-546.8, BP-548.4, BP-548.8, BP-549.4, 2U-7.8, 2U-9.3, 2U-9.8, 2U-10.4.

Case No. 8127
(Filed October 22, 1965)

Randolph Karr, for Southern Pacific Company; Averil D. Vallier, for The Atchison, Topeka & Santa Fe Railway Company; and Edward F. Taylor, for City of Redlands; respondents.
W. F. Hibbard, for the Commission staff.

OPINION ON REHEARING

A hearing on the above-entitled case was held in Redlands on May 19, 1965. On October 13, 1965, the Commission issued its Decision No. 69796 providing for widening and/or protecting certain crossings and for apportionment of the costs. Each of the respondent railroads filed an application and petition for rehearing. The Commission granted rehearing on January 11, 1966. Further public hearing was held before Commissioner Grover and Examiner DeWolf in Redlands on April 7, 1966, and the matter was submitted. All parties who appeared at the original hearing were notified of the rehearing.

All of the parties appearing at the rehearing stipulated that all of the evidence introduced at the original hearing might be treated as in evidence at the rehearing. All parties further stipulated that they would have no objection to the Commissioners or the Examiner in this case making a personal inspection of the crossings involved.

Each party outlined its position and offered the testimony of one witness. Southern Pacific Company introduced into evidence Exhibit No. 6 R.H., which is a diagram of the railroad crossing at Church Street depicting the location of four No. 8 flashing light signals and automatic gates; the Southern Pacific Company witness recommended installation of four such signals at Church Street to guard against the possibility of trapping cars within the crossing area. The Commission staff witness agreed with the plan for the placing of four automatic signals at the Church Street crossing, and also recommended that No. 8 flashing lights, supplemented by automatic gates, be installed at the University Street crossing. No issues were raised or evidence offered by the parties at this hearing as to the type of protection previously authorized at the other crossings. The only other issues involved the apportionment of the railroads' share of the installation costs and apportionment of the maintenance costs.

It is the position of Southern Pacific Company that the two railroads be permitted to divide their share of the cost of the crossing protection by agreement between themselves and that they come back to the Commission for an appropriate order if they are not able to agree.

The position of The Atchison, Topeka & Santa Fe Railway Company is that each railroad should install such signals as are to be adjacent to its own tracks at the three street crossings together with the cable required for interconnection with the other signal controls, and that each railroad should bear half of the cost of the signals thus installed by it (the city to bear the other half).

The City of Redlands questioned the need for automatic crossing gates at the Church Street and University Street crossings at the present time for the reason that such gates would add additional expense and there are other crossings in the city which more urgently need protection. However, the city emphasized that its primary concern is for safety and stated that it would not object to gates if the Commission finds that the safety of the public requires this additional protection.

At the original hearing in 1965, crossing gates were proposed for Judson Street only. Since that hearing, however, the Commission has determined herein that gates should be installed at Church Street, and we now take official notice of correspondence which indicates that the city and the two railroads have agreed to crossing gates at Grove Street, the principal street between University and Judson. As a result, of the four main crossings in the area (Church, University, Grove and Judson), only University Street would be without gates. University has the highest traffic count of the four; moreover, it seems clear that confusion can be avoided and safety enhanced by maintaining uniformity of protection in the campus area. Gates will be ordered at University Street.

The parties offered no agreement as to the division of the costs of installation of the crossing protection.

Decision No. 69796 was issued shortly after the effective date of Section 1202.2 of the Public Utilities Code, but, through inadvertence, the Commission failed to apportion maintenance costs in accordance with that section. The error will be corrected.

The Commission finds that:

1. Public safety, convenience and necessity require that Church Street (Crossing Nos. 2U-9.3 and 3P-548.4) be protected by installation of four No. 8 flashing lights supplemented with automatic crossing gates as set out in the order herein, the protection on each line to be interconnected with the protection on the other line as specified in the order herein.

2. Public safety, convenience and necessity require that the crossing protection at University Street be supplemented with automatic gates.

3. The maintenance costs for the automatic protective devices herein provided for should be apportioned between the parties in the same manner and proportion as the installation costs, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

4. The proposal of the Santa Fe Railway Company that each railroad participate in the cost of only those signals adjacent to its tracks does not give consideration to all of the elements which bear on an equitable apportionment of the cost of the crossing protection; the two railroads should be authorized to divide the cost of protection by an agreement between themselves.

Conclusions

The Commission concludes that the findings in Decision No. 69796 should be modified in accordance with Findings 1, 2, 3, and 4, hereinabove, and that a new order should be substituted for the order in Decision No. 69796.

The Commission further concludes that the crossings herein considered should be widened and/or protected, and that the costs of widening and/or protection should be apportioned as set out in the ensuing order.

O R D E R

IT IS ORDERED that Findings Nos. 1 through 10, inclusive, of Decision No. 69796 are hereby affirmed, Finding No. 13 thereof is hereby rescinded, and the following are substituted for Findings Nos. 11 and 12 thereof:

11. Public health, safety and welfare require that each crossing be widened and/or protected as set out in the order which is hereinafter substituted for the order in Decision No. 69796, and that at the Church Street, University Street and Judson Street crossings the protection on each line be interconnected with the protection for the other line as specified in the order herein.

12. The costs of widening the crossings and/or installation of automatic protection should be divided as specified in the order which is hereinafter substituted for the order in Decision No. 69796. Except as otherwise specified in said order, the railroads should apportion their costs by agreement between themselves.

IT IS FURTHER ORDERED that the following is substituted for the order in Decision No. 69796:

1. The Southern Pacific Company shall replace the existing crossing protection with two Standard No. 8 flashing light signals (General Order No. 75-B) with extra signal heads for left and right turn movements from Citrus Avenue (also known as State Street) at Tennessee Street (Crossing No. BP-546.8).

2. The Atchison, Topeka & Santa Fe Railway Company shall replace the existing protection at the Tennessee Street crossing (Crossing No. 2U-7.8) with two Standard No. 8 flashing light signals (General Order No. 75-B).

3. Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company (Santa Fe) shall install four No. 8 flashing light signals (General Order No. 75-B), supplemented with automatic crossing gates, at the Church Street crossings (Nos. 2U-9.3 and BP-548.4), in the manner shown in Exhibit No. 6 R.H. The signals shall be interconnected so that they will be actuated as proposed by the Southern Pacific witness. Each railway shall remove its existing protection at these Church Street crossings.

4. The City of Redlands shall realign Park Avenue to permit installation of a Standard No. 8 flashing light signal and gate on the southwest corner of Park Avenue and University Street. The City of Redlands is also authorized to make any changes in the width of University Street considered by it necessary to effect such improvement. The Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company, respectively, shall

replace the existing protection with two Standard No. 8 flashing light signals (General Order No. 75-B), supplemented with automatic crossing gates, at the University Street crossing (Santa Fe Crossing No. 2U-9.8 and Southern Pacific Crossing No. BP-548.8, respectively) interconnected so they will be actuated by a train on either line. The northern signal shall be on the southwest corner of Park Avenue and University Street.

5. The Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company, respectively, shall widen the crossing of Judson Street (Santa Fe Crossing No. 2U-10.4 and Southern Pacific Crossing No. BP-549.4, respectively) between lines two feet outside the outside rail on each line to 64 feet at the existing grade. Construction shall be equal to or superior to Standard No. 2 of General Order No. 72. Protection shall be two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic crossing gates and interconnected so that they will be actuated by a train on either line. A median strip shall be constructed from north of the Santa Fe line across the Southern Pacific line. Existing protection shall be removed.

6. All costs of protection and installation thereof at each crossing specified in this order, except the Santa Fe crossing of Tennessee Street (Crossing No. 2U-7.8) and the Southern Pacific crossing of Tennessee Street (Crossing No. BP-546.8) shall be apportioned 50 percent to the City of Redlands and 50 percent to the Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company. The cost of protection and installation thereof at the Santa Fe crossing of Tennessee Street (Crossing No. 2U-7.8)

shall be borne 50 percent by the City of Redlands and 50 percent by The Atchison, Topeka & Santa Fe Railway Company. The cost of protection and installation thereof at the Tennessee Street crossing of the Southern Pacific (Crossing No. BP-546.8) shall be borne 25 percent by the City of Redlands, 25 percent by the County of San Bernardino, and 50 percent by the Southern Pacific Company. The two railroads are authorized to enter into an agreement for the division between them of their joint share of the costs of installing and maintaining protection at the Church, University, and Judson crossings. If they cannot agree, the Commission will make such division by further order.

The cost of realigning Park Avenue shall be borne by the City of Redlands. The cost of widening University Street and Judson Street and the cost of the median strip at Judson Street shall be borne by the city. The cost of preparing the tracks to receive pavement shall be borne by the railroads.

7. The particular railway involved shall bear the maintenance cost of each crossing between lines two feet outside its rails. The City of Redlands (and San Bernardino County as to the westerly side of the Tennessee Street Southern Pacific crossing) shall bear maintenance cost of each crossing outside such lines.

8. Within thirty days after completion of the work hereinabove authorized, the Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company shall notify the Commission in writing of the compliance with the conditions hereof.

9. The maintenance costs for said automatic protective devices specified above shall be apportioned in the same manner as the installation costs pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

10. The improvements herein provided for shall be completed within six months 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 15th day of JUNE, 1966.

Fredrick B. Holoboff
President

George J. Grover

[Signature]

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

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

CORRECTION

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**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

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

Dated at San Francisco, California, this 15th day of JUNE, 1966.

Fredrick B. Haloboff
President

George H. Traver

Arthur

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