

ORIGINALDecision No. 71132

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the safety, maintenance, operation, use and protection of the crossings at grade of North Green Street, Crossing No. B-360.5; Hayes Street, Crossing No. B-360.9; and Snyder Avenue, Crossing No. B-361.1, with the double track main line of SOUTHERN PACIFIC COMPANY and THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY in or near the City of Tehachapi.

Case No. 3082

Harold S. Lentz, for Southern Pacific Company and The Atchison, Topeka & Santa Fe Railway Company; Philip M. Wagy, for the City of Tehachapi, respondents.

Howard D. Amacker, for Monolith Portland Cement Co., Inc.; Myrl C. Rupel, for Tehachapi Unified School District; Claude H. Swearingen and Leona Uhl Hagen, in propria personae, interested parties.

Mitchell M. Brockman and M. E. Getchel, for the Commission staff.

OPINION ON REHEARING

On August 10, 1965 the Commission issued Decision No. 69526 in the above-entitled matter. Petitions for rehearing were filed by the City of Tehachapi on August 27, 1965 and by Tehachapi Unified School District on August 31, 1965. Rehearing was granted on September 28, 1965, and was held at Tehachapi on June 21, 1966, before Examiner Gravelle.

Decision No. 69526 ordered, among other things, the closing of the Hayes Street crossing and the relocation and improvement of the Snyder Avenue crossing in Tehachapi. The basic issue upon which rehearing was sought concerns whether Hayes Street or Snyder Avenue should remain open. There is no argument as to the type of

automatic protection to be installed at whichever crossing the Commission ultimately decides should remain.

The City of Tehachapi, as represented by its Mayor and a member of its City Council, and the Board of Trustees of the Tehachapi Unified School District through its Superintendent, as well as the Airport Manager for the Kern County Airport located at Tehachapi, each testified in support of the closing of the Snyder Avenue crossing and the retention of Hayes Street. It was their testimony that Hayes Street would be a safer crossing than Snyder Avenue and would fit better into future plans for the development of Tehachapi, its schools and airport. The Commission staff had originally recommended the retention of Hayes and the closing of Snyder; no testimony was offered by the staff at the rehearing to change that recommendation.

Southern Pacific Company and two individuals, citizens of Tehachapi, supported the closing of Hayes and retention of Snyder as ordered by Decision No. 69526. The railroad based its position upon the fact that there are only three sets of tracks to cross at Snyder as opposed to five at Hayes and view conditions in the quadrants at Snyder are generally superior to those at Hayes. Claude H. Swearingen, the operator of a motel located adjacent to the Hayes crossing, pointed out that the crossing at Hayes involves a portion of highway paralleling the railroad track wherein there is a curve and that at the Snyder crossing the highway is straight. He objected to the retention of Hayes because of the noise caused by the ringing of the warning bell and the discomfort it might cause his customers.

It must be noted that the map in Appendix B of Exhibit No. 1 shows both Hayes Street and Snyder Avenue, the curve in the highway and the location of the motel operated by Mr. Swearingen. The automobile traffic which crosses the railroad tracks is due to a

large extent to persons coming from or going to the Monolith cement plant located easterly of Tehachapi; consequently, such traffic does not proceed directly across the highway but rather turns from the highway either left or right and proceeds across the tracks. The highway at Snyder Avenue is two lanes and at Hayes Street it is a transition from two to four lanes. The two extra lanes of traffic at Hayes allow a turning area into the crossing without congesting or stopping traffic on the highway.

Inasmuch as the protection ordered at the crossing includes automatic gates, the fact that five tracks must be crossed at Hayes as opposed to three at Snyder becomes less material as do the comparative view conditions. As to the noise factor caused by the warning bell, we must point out that due to the train speeds at these crossings, up to 79 miles per hour for passenger trains and 60 miles per hour for freight trains, the noise of the bell, as compared to the noise of the train itself, will be minimal and no additional discomfort should be caused to the customers of Mr. Swearingen's motel.

The Hayes Street crossing fits more properly into the development of Tehachapi than that at Snyder Avenue and should be safer for the school children attending the schools located on the south side of the railroad tracks.

After rehearing and reconsideration of this matter, the Commission finds that Decision No. 69526 should be modified in certain respects as follows:

1. Findings Nos. 6 and 7 on page 11 of Decision No. 69526 should be deleted and the following findings substituted therefor:
 6. Public health, safety and welfare require that North Green Street be protected as set out in the order herein; that the Snyder Avenue crossing be closed and barricaded; that the Hayes Street crossing be widened to the same width as the existing Hayes Street south of said highway; and that the grades of approach and protection be as set out in the order herein.

7. The cost of widening the Hayes Street crossing and the costs of installation of automatic protection at North Green Street and at Hayes Street should be allocated as specified in the order herein.

2. The "Conclusion" as set forth on pages 11 and 12 of Decision No. 69526 should be deleted and the following substituted therefor:

Conclusion

The Commission concludes that the crossings of the Southern Pacific Company tracks at North Green Street and at Hayes Street should be protected as specified in the order herein; that the Snyder Avenue crossing should be closed and barricaded; that the Hayes Street crossing should be widened and grades of approach changed as set out in the order herein, and that the allocation of maintenance costs of protection at each crossing should be deferred.

ORDER ON REHEARING

IT IS ORDERED that:

1. The findings and conclusions set forth in Decision No. 69526 are modified as set forth above.
2. Ordering paragraphs 2, 3 and 6 of Decision No. 69526 are deleted and ordering paragraphs 3, 4 and 5, herein are substituted, respectively, therefor.
3. The Southern Pacific Company shall, at its expense physically close and barricade the Snyder Avenue crossing (Crossing No. B-361.1) to vehicular traffic upon completion and opening to traffic of the Hayes Street crossing ordered in paragraph 4.
4. The City of Tehachapi and/or the Southern Pacific Company shall widen and improve Hayes Street crossing so that it is a continuance of Hayes Street as it exists south of U. S. Highway 466 (State Highway 58) and extend it to an intersection with "E" Street.

The width of the Hayes Street crossing shall be not less than 24 feet and grades of approach not greater than 7 percent. The angle of crossing shall be 90°. The Southern Pacific Company shall, at its expense, raise the sidings at the crossing to allow a grade of approach of 7 percent. The Southern Pacific Company shall, at its expense, improve tracks and subgrade and pave the crossing within lines two feet outside the rails. Construction shall be equal or superior to Standard No. 2 of General Order No. 72 with tops of rails flush with the roadway. The City of Tehachapi shall pave the Hayes Street approaches between "E" Street and lines two feet outside the rails and between U. S. Highway 466 and lines two feet outside the rails at its own expense. Construction and width shall conform to the railroad's construction of Hayes Street. Protection shall be by two Standard No. 8 flashing light signals supplemented with automatic gate arms with predictor circuits. The costs of the protection and the installation thereof shall be apportioned 50 percent to the City of Tehachapi and 50 percent to the Southern Pacific Company.

5. The improvements provided for and the barricading of Snyder Avenue are to be completed within one year from the effective date of this order.

6. Except as modified herein Decision No. 69526 remains in full force and effect.

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

Dated at San Francisco, California, this 16th day of AUGUST, 1966.

Paul E. Marshall
President

George H. Hoover

Augustus

William W. Bennett
Commissioners

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