

Decision No. 71344**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, maintenance, use and protection or closing of the crossings at grade of the tracks of The Atchison, Topeka and Santa Fe Railway Company in San Diego County, said crossings designated as Crossings Nos. 2-239.8, 2-239.3 and 2-236.5.

Case No. 8326
Filed January 11, 1966

Averil D. Vallier, for The Atchison, Topeka and Santa Fe Railway Company; George D. Moe and Melvin R. Dykman by George D. Moe, for the State of California, Department of Public Works, Division of Highways; D.K. Speer, for San Diego County; respondents.
Edwin Jeffries, for Cardiff-By-The-Sea Chamber of Commerce, protestant.
Jack F. Biery, for North San Diego County Associated Chambers of Commerce; Rose Marie Bonitta; Rae B. Witt; Dr. Maneck K. Anklesaria, for Cardiff Civic Club; interested parties.
W. F. Hibbard, for the Commission staff.

O P I N I O N

After notice to all parties concerned, a public hearing on the above-entitled matter was held before Examiner Rogers in Encinitas, California, on June 21, 1966, and the matter was submitted.

The purpose of the investigation is set forth in the title to the case, supra. Crossing No. 2-239.8 is at Chesterfield Drive;* Crossing No. 239.3 is at Montgomery Avenue; and Crossing No. 2-236.5 is at Fulvia Street.

* The County of San Diego in its report, Exhibit 2, refers to the crossing as Chesterfield Avenue. Appendix A to Exhibit No. 1 of the staff's report designates the crossing as Chesterfield Drive.

Evidence By The Staff

An associate transportation engineer investigated the three crossings and made a report which was presented in evidence at the hearing (Exhibit No. 1). The essential portions of the report are as follows:

The three crossings are located in and near the communities of Leucadia, Encinitas, and Cardiff-By-The-Sea (Cardiff) in the County of San Diego. All three of these communities are principally residential with light to moderate commercial development to serve the residents and the recreational activities on the beaches. The Atchison, Topeka and Santa Fe Railway Company's (Santa Fe) Los Angeles to San Diego main line track generally is between and parallel to State Route No. 101 (Route 101) on the west and Interstate Route 5 (Freeway) on the east. Between the Freeway and immediately adjacent to the Santa Fe's tracks on the east and parallel thereto, there is a street known as Vulcan Avenue. The distance between Route 101, the railway's track and Vulcan Avenue varies as stated hereinafter.

All three crossings involve a single high-speed main line track used by approximately 12 passenger and freight trains per day. The Chesterfield Drive crossing has a side track in addition to the main line track. During the racing season at Del Mar, there are an additional eight passenger trains per day over the crossings.

The physical characteristics and accident records at the crossings are as follows:

Fulvia Street, Crossing No. 2-236.5

| | | |
|--|----------------------|--------------------|
| Number of tracks | 1 Main Track | |
| Width of crossing | 34 Feet | |
| Angle of crossing | 90 Degrees | |
| Approach grades | | |
| East approach | 0% | |
| West approach | +14% | |
| Illumination | None | |
| Protection devices | 2 Std. No. 3 Wigwags | |
| Advance warning signs and surface markings | Yes | |
| Maximum train speeds | 90 M.P.H. | |
| Posted maximum vehicle speeds | 45 M.P.H. | |
| Vehicle traffic per day (4/8/66) | 1661 | |
| Number of trains per day | 12 * | |
| Drivers' visibility when: | <u>To the Right</u> | <u>To the Left</u> |
| 100 feet west of track | 1300 feet | 900 feet |
| 100 feet east of track | 750 feet | 750 feet |

Accident record since January 1, 1960:

| <u>Date</u> | <u>Number Killed</u> | <u>Number Injured</u> |
|-------------|----------------------|-----------------------|
| 11-3-61 | None | 1 |

* Plus eight passenger trains per day during racing season at Del Mar.

Montgomery Avenue, Crossing No. 2-239.3

Number of tracks 1 Main Track
 Width of crossing 28 Feet
 Angle of crossing 90 Degrees
 Approach grades
 East approach -2 %
 West approach -1 %
 Illumination Yes
 Protection devices 2 Std. No. 8 Flashing Lights
 Advance warning signs and surface markings Yes
 Maximum train speeds 90 M.P.H.
 Posted maximum vehicle speed 55 M.P.H.
 Vehicle traffic per day (4/8/66) 1554
 Number of trains per day 12 *
 Drivers' visibility when: To the Right To the Left
 200 feet west of track 220 feet Unrestricted
 200 feet east of track Unrestricted 660 feet

Accident record since January 1, 1960:

| <u>Date</u> | <u>Number Killed</u> | <u>Number Injured</u> |
|-------------|----------------------|-----------------------|
| 1-25-60 | 1 | 1 |
| 7-1-64 | 1 | None |

* Plus eight passenger trains per day during racing season at Del Mar.

Chesterfield Drive, Crossing No. 2-239.8

| | |
|---|--|
| Number of tracks | 1 Main Track 1 Side Track |
| Width of crossing | 34 feet |
| Angle of crossing | 85 Degrees |
| Approach grades | |
| East approach | - 6% |
| West approach | + 6% |
| Illumination | Yes |
| Protection devices | 2 Std. No. 8 Flashing Lights |
| Advance warning signs and surface markings | Yes |
| Maximum train speeds | 90 M.P.H. |
| Posted maximum vehicle speed | 55 M.P.H. |
| Vehicle traffic per day (4-8-66) | 3631 |
| Number of trains per day | 12 * |
| Drivers' visibility when: | <u>To the Right</u> <u>To the Left</u> |
| 200 feet west of track | Unrestricted Unrestricted |
| 200 feet east of track | 240 feet 630 feet |

Accident record since January 1, 1960

| <u>Date</u> | <u>Number Killed</u> | <u>Number Injured</u> |
|-------------|----------------------|-----------------------|
| 7-17-61 | None | None |
| 6-1-65 | 1 | None |
| 12-1-65 | None | None |

* Plus eight passenger trains per day during racing season at Del Mar.

At the Fulvia Street crossing, it is approximately 112 feet between Route 101 on the west and Vulcan Avenue on the east and the track is in the center of the right-of-way. At the Montgomery Avenue crossing, it is approximately 200 feet between Route 101 and Vulcan Avenue, and the Santa Fe's track is approximately 40 feet east of Route 101. At the Chesterfield Drive crossing, it is approximately 150 feet between Route 101 and Vulcan Avenue. The main line of track is approximately 60 feet from Route 101 and there is a spur or side track on the east side of the main line of track.

The Freeway is parallel to and east of Vulcan Avenue. It was opened on June 21, 1966 and has three connecting roads in the area leading to roads connecting with Route 101. These three roads - La Costa Avenue, San Marcos Road and Manchester Avenue - will cross the Santa Fe at separated grades. In addition, two interchanges on the Freeway lead to roads which in turn will connect with one or more of the grade crossings under investigation. They are Woodley Road which connects with the Fulvia Street crossing, and Birmingham Drive which connects with the Montgomery Avenue and Chesterfield Drive crossings.

Two new developments are to be located near the Montgomery and Chesterfield crossings. They are the San Elijo State Beach which is open to the public and the San Elijo Lagoon, a marina in the process of development.

Within the next three years, the County of San Diego is planning on improving Vulcan Avenue into an arterial highway. This will facilitate traffic flow for local residents to and from the commercial areas of Encinitas and Cardiff.

Upon completion of the Freeway and the improvement of Vulcan Avenue, it is expected that much of the present traffic on Fulvia Street, Montgomery Avenue and Chesterfield Drive will use the new connecting routes and Freeway thereby reducing the use of the crossings by local traffic. At the same time, it is expected that recreational traffic now travelling via Route 101 between the beach parks and the Los Angeles and San Diego areas will use the Freeway interchanges to the connecting roads and then either the existing railway grade crossings or the proposed grade separations to and from the beach. The net effect of these two changes in traffic characteristics will probably result in less average daily traffic over the crossings due to the seasonal use of the beach parks and the smaller volume of recreational traffic as compared with the average daily local traffic. A substantial amount of the traffic should remain, which may increase over the long term.

Upon completion of grade separations at La Costa Avenue and San Marcos Road, Fulvia Street will be the last remaining grade crossing between the two separations, a distance of 2.5 miles. This crossing is used by local residents east of the railroad to gain access to the residential area west of Route 101 and to the beach and commercial establishments in Leucadia along Route 101. The west approach to this crossing has an ascending grade to the track of approximately 14 percent making it a slow and difficult crossing for heavy vehicles to negotiate. Although visibility is relatively good in all quadrants, the problem of negotiating the steep approach grade could distract drivers from observing the wigwags or approaching trains. Also, there are hazards of right and left turns off Route 101 and off Vulcan Avenue into the crossing area.

At Montgomery Avenue, the track is located only 40 feet from the east shoulder of Route 101. This short distance, combined with the track located in a dirt cut adjacent to Route 101, creates a particularly dangerous situation for northbound motorists making right turns off Route 101. Because of this cut, it is impossible for a motorist to see fully a train approaching from the south until he is practically in the crossing area.

Because of turning movements off the parallel highway, the hazards at Chesterfield Drive are similar to those at Montgomery Avenue. At Chesterfield Drive, however, as the crossing angle in the southwest quadrant is 85 degrees and the turning radius off Route 101 is approximately 130 feet, it is possible for northbound vehicles to make right turns onto Chesterfield Drive at relatively high speeds. Westbound motorists on Chesterfield Drive have restricted visibility to the right in the last 100 feet of approach to the main line track due to a billboard.

It is proposed by the County of San Diego to install traffic signals at the intersection of Route 101 and Chesterfield Drive after the traffic is diverted to the Freeway. When the signals are installed, there will be the problem of clearing traffic from the track upon the approach of trains.

The Chesterfield Drive crossing contains a 1,000-foot side track as well as the main track. If cars are stored on the side track near the crossing, the view of trains on the main track is impaired.

The Chesterfield Drive crossing is located near the geographical center of the Cardiff commercial area and has a relatively high volume of traffic. It is also the closest crossing to the new

San Elijo State Beach campsite entrance which is 1,150 feet north on Route 101.

The Montgomery Avenue crossing is only one-half mile north of the Chesterfield Drive crossing. Motorists presently using the Montgomery Avenue crossing with origins and destinations north on Route 101 comprise approximately 60 percent of the total traffic using the crossing during the summer period between 7:00 a.m. and 7:00 p.m. Eighty-three percent of this 60 percent, according to a spot check, were travelling to and from the Cardiff commercial center. This traffic does not benefit from the crossing as it can use the Chesterfield Drive crossing without any appreciable extra travel distance. For the remainder of this group of motorists (17%), alternate routes consist of the Chesterfield or "E" Street crossing via Vulcan Avenue. The maximum additional travel distance for this small group without the Montgomery crossing would be one mile.

The staff witness recommended that:

1. Chesterfield Drive, Crossing No. 2-239.8, be widened to approximately 48 feet to allow for four lanes of traffic at the County's sole expense. The cost of preparing the track to receive paving in the portion of street to be widened should be borne by the railroad.

2. The crossings at Fulvia Street, Crossing No. 2-236.5, and Chesterfield Drive, Crossing No. 2-239.8, be protected by two Standard No. 8 flashing light signals supplemented with automatic gates and the installation costs be apportioned equally between the County of San Diego and Santa Fe.

3. Montgomery Avenue, Crossing No. 2-239.3, be closed to vehicular traffic and physically removed at the railroad's expense upon the completion of the recommended improvements at the Chesterfield Drive Crossing No. 2-239.8.

4. The side track within Chesterfield Drive, Crossing No. 2-239.8, be removed at the railroad's expense prior to the installation of the recommended protection.

5. The improvements and changes recommended be completed within 180 days from the effective date of the order in this proceeding.

The Respondents' Evidence

Neither the Santa Fe nor the Division of Highways objected to the staff's proposals. The Santa Fe requested that the requirement that the work be completed within 180 days be changed to 360 days. The witness for the County of San Diego generally agreed with the staff recommendations, but requested that the Fulvia Street crossing work be held in abeyance pending the completion of the San Marcos underpass, and recommended a period of nine months for completion of the work at said crossing. The County witness further testified that the County will install traffic signals at Chesterfield Drive and that the County and the Santa Fe have agreed to install Standard No. 8 flashing lights and automatic gates at this crossing, to be synchronized with the traffic lights.

Evidence on Behalf of Users of
the Montgomery Avenue Crossing

A representative for the protestant Chamber of Commerce appeared in opposition to the closing of the Montgomery Avenue crossing. He presented a petition signed by several hundred persons requesting that the crossing remain open and that it be protected by Standard No. 8 flashing light signals with automatic gates.¹

One individual appeared for himself and also urged this treatment of the Montgomery Avenue crossing.

¹ The petition was not presented in evidence at the hearing.

Findings

The Commission finds that:

1. Chesterfield Drive, Montgomery Avenue, and Fulvia Street in the County of San Diego extend between Route 101 and Vulcan Avenue over the Santa Fe tracks at grade.

2. In this area the Santa Fe has an authorized train speed of 90 miles per hour and the number of trains varies from 12 to 20 per day.

3. A freeway has recently been constructed and completed to the east of the track. This freeway will have access routes which will permit traffic desiring to cross the track to use three crossings. In addition, three grade separations are in the process of being, or will be, constructed in the near future in the vicinity, permitting travel over the track at separated grades.

4. The amount of average daily vehicular traffic at the grade crossings varies between 1,554 at Montgomery Avenue and 3,631 at Chesterfield Drive.

5. Each of the grade crossings is dangerous in that there is a short distance between Route 101 and the track, and Vulcan Avenue and the track. These distances vary between a minimum of 40 feet between Route 101 and the track at Montgomery Avenue and a maximum of approximately 100 feet at Chesterfield Drive.

6. Public convenience and necessity no longer require the Montgomery Avenue crossing.

7. Public convenience, necessity and safety require that the two remaining crossings be protected by Standard No. 8 flashing light signals supplemented with automatic crossing gates.

8. A separation of grades is not warranted at any of the crossings herein considered.

9. Chesterfield Drive at Crossing No.2-239.8 should be widened; the cost of preparing the track to receive paving in the portion of the street to be widened should be borne by the Santa Fe.

10. The installation costs of the crossing protection and the maintenance costs should be borne equally by the County of San Diego and the Santa Fe.

11. The side track over the crossing on Chesterfield Drive should be removed at the railway's expense prior to the installation of the protection thereat.

Conclusion

The Commission concludes that the Montgomery Avenue crossing should be physically closed; that the remaining two crossings should have improved automatic protection installed and that the costs should be apportioned, as set forth in the order herein.

O R D E R

IT IS ORDERED that:

1. The County of San Diego shall widen Chesterfield Drive over the track of The Atchison, Topeka and Santa Fe Railway Company to a width of 48 feet. The cost of preparing the track to receive paving in the widened portion of the street shall be borne by The Atchison, Topeka and Santa Fe Railway Company, and the costs of the paving on the widened portion shall be borne by the County of San Diego.

2. The crossings at Fulvia Street, Crossing No. 2-236.5 and at Chesterfield Drive, Crossing No. 2-239.8, shall each be protected by two Standard No. 8 flashing light signals supplemented with automatic crossing gates. The costs of installation shall be apportioned equally between the County of San Diego and The Atchison, Topeka and Santa Fe Railway Company.

3. The crossing at Montgomery Avenue, Crossing No. 2-239.3, shall be closed to vehicular traffic and physically removed by the railway at its expense upon completion of the improvements at Chesterfield Drive, Crossing No. 2-239.8, ordered herein.

4. The Atchison, Topeka and Santa Fe Railway Company shall remove that portion of the side track which is over Chesterfield Drive prior to the installation of automatic protection at said crossing as ordered by ordering paragraph 2 herein.

5. The maintenance costs for said automatic protective devices shall be divided in the same proportion as the cost of construction has been apportioned herein, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

6. Improvements and changes ordered herein are to be completed within one year from the effective date of this order unless such time is extended by further order of this Commission.

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

Dated at San Francisco, California, this 4th day of October, 1966.

Walter E. Mitchell
President

George E. Grover

Friedrich B. Holst

Augustus

William C. Bennett
Commissioners