

**ORIGINAL**

Decision No. 72133

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, maintenance, use and protection of closing of the crossing at grade of the track of the Southern Pacific Company with Tyler Road in the County of Tehama, said crossing designated as Crossing No. C-219.9.

Case No. 8313  
(Filed December 7, 1965)

Harold S. Lentz, for Southern Pacific Company;  
Robert W. Trimble and George A. Hoag, for County of Tehama; respondents.  
Larry LaLaguna, for Tehama County Taxpayers Association; Patrick G. Noble, for Westover Co.; interested parties.  
M. E. Getchel, for the Commission staff.

O P I N I O N

This is an investigation instituted by the Commission to determine whether the public health, safety or welfare require relocating, widening, closing, altering or installing additional protective devices at the crossing of the Southern Pacific Company railroad tracks and Tyler Road near Red Bluff in the County of Tehama.

A duly noticed public hearing was held in this matter before Examiner Jarvis at Red Bluff on March 31, 1966, and it was submitted on that date.

All parties agree that the crossing should not be closed. The primary issues in this proceeding are (1) whether additional protection is required at the crossing and (2) if additional protection is required, the nature and extent thereof, and how the costs of construction and maintenance should be apportioned.

The record discloses that the crossing is at grade and involves one main line track of Southern Pacific and Tyler Road, a County road. Tyler Road ends about 80 feet west of the crossing, where it intersects old U. S. Highway 99 West. It runs easterly and then southerly from the crossing to the communities of Gerber and Tehama. There is a switch to a siding, called the Rawson siding, approximately 100 feet south of Tyler Road. The siding is used as a passing track, and the signal controlling the stopping point is approximately 400 feet from Tyler Road. The present crossing protection consists of two reflector Standard No. 1 crossing signs, two pavement reflector advanced warning signs ("RXR") and crossing stripes.

The Commission staff made a 12-hour traffic count which indicated that a total of 820 vehicles used the crossing during that period. These vehicles consisted of 697 passenger cars, 115 trucks, 5 school buses and 3 miscellaneous vehicles. Based on this count, it was estimated that a total of 1,092 vehicles would use the crossing during a 24-hour period. The record discloses that 26 freight trains and 2 passenger trains pass through the crossing in a 24-hour period. The maximum speed authorized for passenger train operations over the crossing is 79 miles per hour and 60 miles per hour for freight operations. The motor vehicle speed limit at the crossing is 15 miles per hour eastbound and controlled speed (approaching a stop sign) westbound. There have been 5 accidents at the crossing during the period from January 1, 1926 to December 31, 1965. The last and only accident which involved death or injury to persons occurred on July 12, 1928, when two persons were killed.

A staff witness testified that, in his opinion, more adequate protection should be provided at the crossing because of the volume of motor vehicle and train traffic, the maximum speed of the trains, the restricted view from one side of the crossing, the use of the crossing by school buses and the possibility of a two-train type of accident. He recommended that there be installed at the crossing (1) two Standard No. 8 flashing light signals supplemented with crossing gates, (2) guard rails or a plank crossing and (3) that the "RXR" and crossing stripe markings be repainted. He further recommended that the costs be apportioned as follows: (1) for the automatic protection, 50 percent to Southern Pacific and 50 percent to the County of Tehama; (2) for the improved crossing, 100 percent to Southern Pacific; and (3) for redoing the paint markings, 100 percent to the County of Tehama. On cross-examination, the staff witness indicated that, in view of the fact that the crossing was presently in better condition than Tyler Road itself, his recommendation for guard rails or planking was contingent upon the surface of the crossing being disturbed in order to install automatic protection devices, and that if said devices could be installed without such disturbance, he would withdraw this recommendation.

Respondent Southern Pacific supported the staff recommendations. It called as a witness the Public Projects Engineer in its Signal Engineer's Office, who presented suggested plans for automatic protection of the crossing and cost estimates. The suggested installation comprehended two automatic crossing gates, each with two No. 8 flashing light signals activated by

predictor signal circuitry. The estimated cost of installing the automatic protection was \$17,680 and the estimated annual maintenance cost was \$1,119. On cross-examination by counsel for respondent County of Tehama the Southern Pacific engineer admitted that in 1964 Southern Pacific had submitted plans to protect the crossing with two No. 8 flashing light signals, having less sophisticated circuitry, at a cost of \$6,770 with an estimated annual maintenance cost somewhere between \$300 and \$400. He also testified, on redirect examination, that this simpler type of signal installation would be satisfactory to Southern Pacific.

Two members of the Board of Supervisors of Tehama County testified in behalf of the respondent County. They indicated that they did not believe the County was financially able to pay its share of the cost and maintenance of the automatic protection proposed by the staff and Southern Pacific; that the County had sought authority to open another crossing in the area and if it were compelled to install the proposed automatic protection, the County would not be able to open the other crossing for which there is a public need. One of the supervisors testified that, in his opinion, installation of flashing No. 8 signals without predictor circuitry would adequately protect the crossing.

The president of interested party Tehama County Taxpayers Association testified that most of the people who used the crossing were local residents who were familiar with it; that the automatic protection proposed by the staff and Southern Pacific is more sophisticated and costly than is necessary and that the County

did not have the ability to pay for such protection. He proposed a continuously flashing red light highway signal as adequate protection at the crossing.

The Commission is of the opinion that the protection at the crossing should be upgraded, but that the protection need not be as complex and sophisticated as sought by the staff and Southern Pacific. The record indicates that an average of 46 motor vehicles and 1 train pass over the crossing every hour. The motor vehicles using the crossing are usually proceeding at a relatively low speed because if they are going in a westerly direction they must come to a halt in approximately 80 feet to obey a stop sign before entering old U. S. 99W, and if they are proceeding easterly they have just completed a 90 degree left or right turn from the highway. Because of the small amount of traffic and the speed at which motor vehicles pass over the crossing, we have carefully analyzed the proposals of the staff and Southern Pacific that predictor circuitry and automatic gates be provided at the crossing and find these proposals unwarranted under the facts relating to this crossing.

The proposed predictor circuitry is designed to activate the automatic protection 25 seconds before a train reaches the crossing, regardless of its speed. It is of little benefit over the widely used trip type<sup>1/</sup> of circuitry in the case of trains moving at high speed. The primary advantage of predictor circuitry is that it allows a crossing to remain open to motor vehicle traffic longer when a slow moving train approaches, when switching movements occur or when a train stops near a crossing.

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<sup>1/</sup> The trip type of circuitry activates the automatic protection at a crossing once a train passes over a point of predetermined distance from the crossing, regardless of the train's speed.

The County indicated that the crossing is sometimes blocked for unreasonable lengths of time, but no evidence of specific instances were presented. The record indicates that switching operations are conducted near or over the crossing involving a plant of the Diamond National Corporation. Insofar as the crossing is actually blocked by a train, the type of circuitry regulating any automatic protection there installed is of no consequence. While there may be occasions where a switching movement over trip circuitry activates automatic protection and closes the crossing for a slightly longer period of time than if predictor circuitry were used, the Commission is of the opinion that predictor circuitry is not warranted at this single track crossing over which passes an average of 1 train and 46 motor vehicles per hour.

The staff and Southern Pacific recommended the installation of automatic gates as part of the protection at the crossing. The primary reason advanced by the staff for installing the automatic gates is that, because of the proximity of the spur track, a motorist might be deceived by a train stopped thereon, disregard the flashing Standard No. 8 signals and proceed across the track with a high speed train approaching on the main line. The spur track has been in the vicinity of the crossing for many years. There is no evidence that any driver was so deceived in any of the 5 accidents which occurred at the crossing in the last 40 years. The staff's

evidence indicates that view conditions of the track are unobstructed in all quadrants at points on Tyler Road 50 feet distant from the crossing and that at points 100 feet distant the view is unobstructed in the northeast and southeast quadrants and partially obstructed by trees in the northwest and southwest quadrants. The Commission is of the opinion that automatic gates are not necessary at this crossing because of its physical features, the speed of motor vehicle traffic passing over it and the average hourly use by trains and motor vehicles.

It is the policy of the Commission to encourage or require protection at grade crossings where required by the public safety or interest. This policy contemplates that each crossing will be individually considered for the type of protection necessary. Requiring elaborate installations at crossings which can be adequately protected by simpler ones defeats the policy. Local agencies and railroads begin to resist establishing or upgrading crossing protection. By requiring more costly protection than is necessary fewer crossings will be protected. For example, two crossings, such as Tyler Road, can be protected with Standard No. 8 flashing signals for the amount proposed to be expended for protecting the one crossing with such signals together with automatic gates and predictor circuitry. Furthermore, the continuing cost of maintenance is increased by the use of sophisticated devices. For example, in this case the annual cost of maintaining trip circuitry is estimated to be \$300-\$400 per year, while the annual cost of maintaining predictor circuitry is estimated to be \$1,119. The unnecessary use of

automatic protection equipment which is costly to maintain will only result in depleting the grade crossing protection maintenance fund provided for in Section 1231.1 of the Public Utilities Code, thereby curtailing efforts to achieve greater safety at grade crossings. The Commission does not, by the foregoing, mean to imply that sophisticated circuitry or automatic protection devices should not be used where the public safety or interest so require, even at crossings with relatively small usage where physical characteristics, speed or pattern of traffic or accident experience indicate the need for such devices. The Commission is of the opinion that this is not such a case.

No other points require discussion. The Commission makes the following findings and conclusions:

Findings of Fact

1. The public safety, welfare, convenience and necessity require that the crossing at grade of Tyler Road and the track of Southern Pacific Company (Crossing No. C-219.9) be equipped with two Standard No. 8 flashing light signals with ordinary or trip circuitry and not with predictor circuitry.

2. If, in the installation of the Standard No. 8 signals, it is necessary to disturb the surface of said crossing at grade, then, in such event, the public safety, welfare, convenience and necessity require that when the surface is repaired or redone, guard rails or planking should be included as part of said resurfacing.

3. The public safety, welfare, convenience and necessity require that the "RXR" and crossing stripes at said crossing be repainted.



4. The costs of improving said crossing should be paid as follows:

- a. The cost of installing two Standard No. 8 signals: 50 percent to the County and 50 percent to Southern Pacific.
- b. The annual cost of maintaining said two Standard No. 8 signals: 50 percent to the County and 50 percent to Southern Pacific.
- c. The cost of repainting the "RXR" and crossing stripes: 100 percent to the County.
- d. The cost of installing guard rails or planking, if required: 100 percent to Southern Pacific.

Conclusions of Law

1. Southern Pacific should be ordered to install two Standard No. 8 signals at said crossing with ordinary or trip circuitry and not predictor circuitry. Fifty percent of the cost of installing said signals should be paid by Southern Pacific and fifty percent by the County.

2. Southern Pacific and the County should each be ordered to pay fifty percent of the annual cost to maintain said crossing.

3. If it is necessary to disrupt the surface of said crossing in the installation of said signals, then, in such event, Southern Pacific should be ordered to provide guard rails or planking at said crossing when it is resurfaced. Southern Pacific should be ordered to pay one hundred percent of the cost thereof.

4. The County should be ordered to repaint the "RXR" markings and crossing stripes and pay one hundred percent of the cost thereof.

O R D E R

IT IS ORDERED that:

1. Within six months after the effective date of this order, Southern Pacific Company shall install at the crossing of its railroad track and Tyler Road, in the County of Tehama (Crossing No. C-219.9) two flashing light signals with ordinary or trip, and not predictor, actuating and operating circuits and instrument housing installed pursuant to Standard No. 8 of Public Utilities Commission General Order No. 75-B. Southern Pacific Company shall pay fifty percent of the cost of installing said signals and the County of Tehama shall pay fifty percent.

2. Southern Pacific Company shall pay fifty percent and the County of Tehama shall pay fifty percent of the annual cost of maintaining said signals.

3. If it is necessary to disrupt the surface of said crossing in the installation of the signals required by paragraph 1 of this order, then, in such event, Southern Pacific Company is ordered to provide guard rails or planking at said crossing when it is resurfaced. Southern Pacific Company shall pay one hundred percent of the cost thereof.

4. Within six months after the effective date of this order the County of Tehama shall repaint the "RXR" markings and crossing stripes at said crossing. The County of Tehama shall pay one hundred percent of the cost thereof.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of MARCH, 1967.

[Signature]  
President  
[Signature]  
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Commissioners