

ORIGINAL

Decision No. 72772

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California
Department of Public Works for an
order authorizing construction of a
crossing at grade in the City of
Seaside, and closure of an existing
crossing at grade in the City of
Monterey, across tracks of the
Southern Pacific Company, in Monterey
County, referred to as "Humboldt
Street Grade Crossing."

Application No. 48780
(Filed September 12, 1966)

George D. Moe, Melvin R. Dykman, J. Keith McKeag
and William E. Sherwood, for California State
Department of Public Works, Division of
Highways, applicant.
William C. Marsh, for City of Monterey; Saul M.
Weingarten and Gordon R. Forrest, for City of
Seaside; Myron E. Etienne, Jr., for Union Oil
Company; protestants.
Harold S. Lentz and L. W. Telford, for Southern
Pacific Company, interested party.
M. E. Getchel, for the Commission staff.

O P I N I O N

By this application California State Department of Public Works, Division of Highways, (Department) seeks authority to construct a crossing at grade over the track of Southern Pacific Company (Southern Pacific) at the proposed extension of Humboldt Street, in the City of Seaside (Seaside). Applicant also seeks authority to close a nearby crossing of said track at Roberts Avenue in the City of Monterey (Monterey). These proposals are directly related to plans for the State Route 1 freeway, now under construction north and west of the Southern Pacific right-of-way.

Public hearing was held before Examiner Bishop on January 25 and 26 and February 20 and 21, 1967 at Monterey and on March 7, 1967

at Seaside. Concurrent briefs were filed and with the filing of a stipulation relative thereto on May 12, 1967 the matter was taken under submission.

No opposition was expressed to the construction of the proposed Humboldt crossing. Granting of that part of the application relating to the closing of the Roberts crossing was opposed by the Cities of Monterey and Seaside and by Union Oil Company. Southern Pacific appeared as an interested party and by its active participation supported both proposals. Testimony of nineteen witnesses was received. Thirteen of these were presented jointly by protestants Monterey and Union Oil Company.

The record shows the following facts: The aforesaid freeway is being constructed for a distance of six miles through the cities of Sand City, Seaside and Monterey, extending from Fort Ord to a point near the top of Carmel Hill. It is expected that the freeway will be completed near the end of 1968. The only direct access from and to Seaside will be provided at Humboldt Street. On- and off-ramps will connect the freeway with this street, which it is proposed to extend southerly across the Monterey Branch of Southern Pacific to a connection with Del Monte Boulevard, a main thoroughfare of the two protestant cities. This connection will also provide access from and to Canyon Del Rey Boulevard (State Route 218), which now extends southerly from Del Monte Boulevard to a connection with the Monterey-Salinas Highway (State Route 68). In effect, Humboldt Street and Canyon Del Rey Boulevard will constitute a single thoroughfare, intersecting Del Monte in the vicinity of the proposed Humboldt crossing.

Applicant proposes that the crossing shall be protected with Standard No. 8 flashing light signals supplemented with automatic gates. At the nearby intersection with Humboldt-Laguna Del Rey, Del Monte will be provided with storage lanes for left turn movements onto those streets. Additionally, appropriate automatic traffic signals will be installed at the intersection. These will be tied in with the railroad crossing signal circuits so that, on the approach of a train, the operation of the traffic signals will be preempted by said crossing signal circuits.^{1/}

The cost of construction of the proposed grade crossing and of the automatic signal protection will be apportioned in accordance with agreements which were being negotiated between applicant and Southern Pacific at the time of filing of the application herein.

Immediately to the west of the planned extension of Humboldt Street and to the north of the railroad right-of-way and Del Monte Boulevard is a small body of water designated as Roberts Lake or Laguna Grande. Roberts Avenue extends along the northerly and westerly sides of the lake, crosses the Southern Pacific track at the westerly end of the lake and forms a "T" junction with Del Monte. The distance along Del Monte between the proposed Humboldt grade crossing and the existing Roberts crossing is approximately one quarter of a mile.^{2/}

1/ The distance from the northerly edge of the traveled way of Del Monte to the railroad track, at the proposed crossing, is about 150 feet.

2/ Roberts joins Humboldt at the northeasterly corner of the lake. A portion of the street, located on the easterly side of the lake, which will constitute part of the Humboldt access to the freeway is now a part of Roberts Avenue. Apparently this portion of Roberts will be renamed Humboldt.

Roberts Lake is located entirely within the City of Seaside, but that portion of Roberts Avenue from a point just west of its junction with Humboldt to its junction with Del Monte, including its crossing of the Southern Pacific line, is located within the City of Monterey. In 1961 the City of Seaside acquired Roberts Lake and the strip of land around it, to be developed into a recreational area. The city hopes that such improvement of the property may be accomplished within five years.

In the area of the Roberts crossing the railroad and Del Monte are parallel. The distance from the southerly rail of the track to the traveled way of Del Monte is approximately 55 feet. At the grade crossing the pavement is only 16 feet wide. The approach grade from both directions is substantially horizontal. Signal protection consists of one Standard No. 3 wigwag on the northerly side of the track and a crossbuck sign on the approach from Del Monte. There is an advance warning sign on Del Monte a short distance easterly of the Roberts junction. A "stop" sign is placed at the edge of the Del Monte Boulevard right-of-way against traffic entering that thoroughfare from Roberts.

Visibility of trains approaching the Roberts crossing is impaired in the following respects: For drivers westbound on Del Monte planning to turn right into Roberts the view of eastbound trains is somewhat obscured by a row of large cypress and eucalyptus trees which stand between the track and the highway, principally to the west of Roberts. To a lesser degree these trees obscure the view for eastbound vehicles planning to turn left onto Roberts. Visibility of trains approaching the crossing from the west is also obscured

by a curve in the railroad track and by an embankment which is a part of the freeway overpass construction.^{3/} These features are located several hundred feet to the west of the crossing. For drivers on Roberts approaching the crossing from the north the view to the left is relatively unobstructed, while visibility of trains coming from the right is good after they have passed the embankment. For drivers on Del Monte planning to turn onto Roberts, from either the east or the west, there is the additional crossing hazard encountered where a highway and railroad are closely parallel.

Train service over the Monterey Branch consists of one passenger train and one freight train in each direction daily. The eastbound and westbound passenger trains normally cross Roberts shortly after 8:00 a.m. and shortly before 8:00 p.m., respectively. The freight trains are unscheduled. Maximum speed for passenger trains is 35 miles per hour and for freight trains 25 miles per hour.

Immediately west of Roberts Avenue and north of Del Monte Boulevard is a facility for the bulk distribution of products of Union Oil Company. These consist of gasoline, diesel fuel and cleaning solvent. Storage is in underground tanks and there is a structure for offices and other purposes. Entry to the facility is made from Roberts through a gate which is about 140 feet from the nearest rail of the Southern Pacific line. The property is owned by Union Oil Company and leased to the distributor. He receives consignments about three times per week from the refinery at Richmond. According to the distributor, the delivery to his plant is made with a tractor-tank trailer unit measuring about 60 feet in length. Distribution is

^{3/} At the indicated location the freeway is being carried over the railroad and Del Monte on an overpass as construction progresses westerly toward Carmel Hill.

made from his plant to local purchasers by means of his own much smaller tank trucks. He estimates that his delivery trucks traverse the Roberts crossing about 24 times each business day; the Richmond trucks also use the crossing as the direct access to the distribution facility.

Adjacent to and northerly of the railroad right-of-way and bordering the easterly side of Roberts Avenue is a small, privately owned piece of property. There is a small building on the lot in which family possessions are stored. No active use has been made of this property for the past twenty years and no specific plans for its future use have been formulated by the owners, the Rappa family.

With one exception, the only regular use made of the Roberts crossing during recent years has been by trucks going into and out of the Union Oil distribution facility.^{4/} The exception is the movement of trucks to and from the area of freeway construction in the vicinity. This movement is, of course, only temporary. Two traffic counts were taken by the Department at the Roberts crossing several days apart in August 1966. Each count was from noon to noon of the following day, excluding the period from midnight to 6:00 a.m. During the period the checks were made Roberts was closed at the easterly exit due to freeway construction, so that all vehicles traversing the Roberts crossing were going to, or coming from, the Union Oil facility or the freeway construction area. The two traffic counts showed 37 and 41 vehicles, respectively, entering or leaving the Union Oil facility. Some of these vehicles were contractor's trucks engaged in connection with the freeway project. Exclusion of

^{4/} The record shows that for many years prior to about five years ago Union Oil Company itself operated the distribution facility on a much larger scale, when there were many more movements per day over the Roberts crossing of large tank truck units than at present.

these vehicles from the above totals reduced the counts to 27 and 30 vehicles, respectively. The totals of all vehicles using the crossing during the respective periods, including equipment moving directly to or from the freeway project, were 88 and 79.

With respect to train-vehicle accidents at the Roberts crossing, the manager of the Seaside Chamber of Commerce testified that his investigation revealed only one such accident in a period of over 70 years. Other evidence disclosed that the accident in question occurred on January 31, 1943.

A senior engineer of the State Division of Highways testified as to the basis for the Department's proposal to close the Roberts crossing. By scaled diagrams he demonstrated that, because of the short distance between the railroad track and the traveled way of Del Monte, one of the long 5-axle tank trucks, making a stop 10 feet from the nearest rail before crossing the track to enter the Union Oil facility, hangs out some 14 feet onto said traveled way of Del Monte, thus creating a hazard to highway traffic.^{5/} This witness also showed that such a tank vehicle, moving southward across the track after leaving the Union Oil property and making the stop at the stop sign before entering Del Monte, hangs over the railroad track. This situation enhances the possibility of a rail-truck collision.

The circumstances of obstructed view of approaching trains, as hereinabove recited, were also testified to by the highway engineer as a basis for requiring the closing of the crossing.

In the opinion of this witness, the new Humboldt crossing will be much safer for the trucks operating from and to the petroleum

^{5/} The law requires tank vehicles to stop at least 10 feet from any railroad crossing before traversing same, and that they shall not cross until it is safe to do so.

distribution facility than is the Roberts crossing, since the Humboldt-Del Monte will be signalized, left turn storage lanes will be provided on Del Monte, there will be adequate stopping space on Humboldt between the track and Del Monte, and automatic gates will be installed at the Humboldt crossing.

The record shows that, under the contract between the Department and Monterey Roberts has been repaved and widened from its junction with Humboldt, along the northerly and westerly sides of Lake Roberts, to a point near the entrance to the Union Oil facility.^{6/} If the Roberts crossing is kept open, the Department witness testified, the portion of the street which has not been improved, including the crossing area, should be correspondingly repaved and widened.

In the opinion of the aforesaid witness, the Roberts crossing cannot be made as safe as the new Humboldt crossing. The closeness of the railroad right-of-way to Del Monte would make it necessary to acquire considerable property on the southerly side of Del Monte opposite Roberts in order to construct an intersection of sufficient size to accommodate the large 5-axle tank trucks which serve the petroleum facility. However, the property in question is already commercially developed. Additionally, the proximity of the freeway overpass would prevent realignment of Del Monte sufficient to provide storage room for said trucks at the Roberts intersection.

^{6/} The width is now 24 feet, with 3-foot shoulders.

The evidence adduced by protestants, through their various witnesses,^{1/} which is designed to show that the Roberts crossing should be kept open, may be summarized as follows:

The closing of the crossing would place the Union Oil distribution facility at the end of a cul-de-sac more than a quarter mile in length, and would require trucks moving between it and points westerly of the Humboldt-Del Monte intersection to traverse an unduly circuitous route. Moreover, when Roberts Lake and the bordering property are developed as a park and recreation area closing of the Roberts crossing will require said trucks to pass through the park. It is undesirable for commercial vehicles regularly to traverse public park areas and it is probable that such movements, at least of the large tank trucks, will be prohibited by the involved cities when development has been accomplished. Apart from consideration of truck movements, Seaside is concerned that there should be easy vehicular access all around the lake for those who will use its facilities. This would be greatly inhibited by closing of the crossing.

Seaside and Monterey have plans for an enlarged recreational area and convention center which will include not only the Roberts Lake area, but also the shores and adjacent property around Laguna Del Rey, a larger lake lying to the south of Del Monte Boulevard opposite Roberts Lake. The Roberts crossing is necessary for free circulation of traffic through the larger park area. This project also contemplates the ultimate development of the Union Oil and Rappa properties for uses, such as motels and restaurants, compatible with the recreational activity in the park. If the Roberts crossing is

^{1/} Witnesses for protestants included the city manager, fire chief, police captain and planning director, all of the City of Monterey, the managers of the City of Seaside and of the Seaside Chamber of Commerce, a consulting planner, two consulting traffic engineers, a real property manager of Union Oil Company, and the petroleum products distributor, among others.

closed, the value of those properties for such purposes will be greatly diminished, if not nullified.

The Union Oil property is within the city limits of Monterey, as is public access to it over the Roberts crossing. In case of a fire at the facility, the truck from the closest Monterey fire house would require about 3 minutes running time. The second truck, coming from a more distant base would require from 6 to 8 minutes. If the crossing is closed the first truck would be forced to go all the way around Lake Roberts, an additional distance of nearly a mile, in order to reach the fire. The elapsed time from the firehouse would then be 5-1/2 to 6 minutes. The second truck under this latter circumstance would follow a different procedure, under which it would require from 13 to 16 minutes to go from the firehouse to firefighting position. According to the fire chief, the first five minutes of a fire are critical. The closing of the crossing would adversely affect the quality of fire protection accorded the Union Oil facility. This is all the more important because of the highly inflammable nature of the petroleum products. Some alternative procedures, in the event of closure, were suggested by counsel; the fire chief testified, however, that these would be impracticable.

Closing of Roberts would also increase the problem of adequately policing the area. Factors in this circumstance would be the conversion of Roberts Avenue into a cul-de-sac, the additional time involved in going around the lake, and the matter of getting clearance because of the necessity of passing through the City of Seaside to reach the site of the emergency.

With respect to the accident hazard at Roberts crossing, protestants draw attention to the fact that there has been no train-vehicle accident at the crossing in more than 25 years. A factor in this appears to be the relative infrequency and slow speed of the

trains. Relative to the hazards created by the 60-foot, 5-axle tank truck units at the railroad crossing and in Del Monte Boulevard, the movements of these vehicles into and out of the distribution facility occur only three times per week.

There was considerable testimony by applicant's engineer concerning the volume of traffic which would pass over the Humboldt crossing, and assuming the Roberts crossing to be closed. These estimates all related to the year 1985. He later adjusted the estimates to include traffic from a large apartment building project which the Olympia Corporation is planning for an area along the beach of Monterey Bay north of the freeway in Monterey, Seaside and Sand City. Some of this latter traffic, he estimated, would enter Humboldt, but most of it would go south or north on the freeway. His adjusted figures, for 1985, showed that, of the total cars moving southbound over the Humboldt crossing, 750 per day would turn west on Del Monte. An equal number would make the reverse of this movement.^{8/} He further estimated that if the Roberts crossing is left open perhaps 1,000 vehicles per day would use the Roberts route because of its scenic attractions. A witness for protestants, however, estimated that about 200 cars per day, from or to the freeway and the Olympia development, would use that route in preference to continuing on the freeway or going through the Humboldt-Del Monte intersection.

^{8/} The engineer's projection, for 1985, of all traffic moving over the Humboldt crossing amounted to 15,400 cars. Most of these would move over other legs of the Humboldt-Del Monte intersection than the west leg of Del Monte.

In 1962 Union Oil Company sold a portion of its Roberts Avenue property to the State in connection with the proposed freeway. That company's witness, who handled the negotiations leading to the sale, testified that at no time in the discussions with the State officials was mention made of a proposal to close the Roberts crossing. Also, the record shows that the contract made by the Department with the cities of Monterey and Seaside relative to the construction of the freeway and access roads contemplated that the Roberts crossing would remain open.

A signal engineer of Southern Pacific, testifying for applicant, recommended that if the decision is to keep Roberts open the protection at the crossing be upgraded by the installation of Standard No. 8 flashing light signals supplemented with automatic gates. This recommendation was based on the hazards created by the regular use of the crossing by petroleum trucks and on his expectation of the traffic which will flow via Roberts Avenue from and to the freeway, and the Olympia project. However, a traffic engineer, testifying for protestants, was of the opinion that if the crossing were to be kept open and improvements in it were necessary which required relocation of the wigwag signal, said signal should be replaced by No. 8 flashing signals. He did not think automatic gates were warranted under any foreseeable conditions.

Discussion, Findings and Conclusions

The proposed Humboldt Street grade crossing is an essential part of the Department's plan for an access route between the City of Seaside and the freeway. As previously stated, this route will provide the only direct connection between that city and the freeway. The proposed grade crossing will be adequately protected by automatic

signals and gates and the proposed nearby intersection of Humboldt with Del Monte will be so constructed and signalized as to adequately accommodate the large volume of traffic anticipated after completion of the freeway. No one has opposed the granting of this part of the application.

The evidence relative to the proposal to close Roberts crossing is conflicting. It is clear, however, that immediately upon closure truck movements from and to the Union Oil distribution facility would be inconvenienced in varying degrees, depending upon the origin of inbound, and destination of outbound vehicles.

Again looking to the future, from the standpoint of the park or recreation area users, it appears illogical to provide a road which, in effect encircles the lake, but which is closed off at one end, just where it would be expected to connect with an important thoroughfare (Del Monte).

With respect to all of the traffic volume estimates, it should be emphasized that these relate to 1985, seventeen years hence. While the figures of record are important for freeway construction purposes, they are of little value for the purpose of determining how many cars from and to the freeway and from and to the Olympia project will use the Roberts "cutoff" in the next several years, if the crossing is kept open. That there will be an increase over the present usage of the crossing is certain, but, as the record shows, the tendency is for drivers to get onto a freeway at the first opportunity and to leave it at the off ramp nearest the driver's objective. It appears that to permit the crossing to remain open will not result in a great deal of through traffic in Roberts.

The advisability of keeping the crossing open for purposes of fire and police protection has been demonstrated.

The degree to which hazards are experienced at the crossing is not such as to require its closure. Upgrading of the signal protection can remedy the situation as to most crossing movements. The frequency of 5-axle tank truck movements over the crossing is so low as not to require at this time the reconstruction of the Del Monte-Roberts junction by provision of right turn and left turn lanes for such trucks.

It appears that placement of Standard No. 8 flashing light signals, in lieu of the present wigwag and crossbuck signals, should be adequate protection. The question of signalization of the junction of Roberts Avenue and Del Monte Boulevard is a matter for determination by the City of Monterey. As traffic into and out of the Roberts route increases, signalization may be found necessary.

Since Roberts has been widened and improved around the lake, as a matter of safety it will be necessary to correspondingly widen the portion of that street between the termination of the new pavement and the connection with Del Monte Boulevard.

We find that:

1. The proposed Humboldt Street extension was initiated and will be financed by the Department of Public Works, Division of Highways, as an access road from and to the State Route 1 freeway, now under construction.
2. Humboldt Street, as extended, will provide the only direct access from and to said freeway within the City of Seaside.
3. In order to reach a connection with Del Monte and Canyon Del Rey Boulevards it will be necessary to extend Humboldt Street across the track of Southern Pacific Company's Monterey Branch.

4. Public convenience and necessity require the construction of Humboldt Street at grade across said track.

5. Public safety requires the installation at said crossing of Standard No. 8 flashing light signals supplemented with automatic gates.

6. Closure of the Roberts Avenue crossing will adversely affect, in many instances to a marked degree, the operations of the Union Oil bulk distribution facility hereinabove identified, by requiring the routing of trucks through the proposed Humboldt-Del Monte intersection and around Roberts Lake.

7. Closure of Roberts crossing will greatly inconvenience users of said park facilities by creating a long cul-de-sac, allowing only one point of entry and exit for motor vehicles.

8. Closure of Roberts crossing will make impracticable plans of the Cities of Monterey and Seaside for ultimate development of the Union Oil and Rappa properties for uses, such as locations for motels and restaurants, compatible with the recreational activity in the park.

9. Closure of the Roberts crossing would adversely affect essential fire and police protection for the Union Oil facility and the area adjacent to Roberts Lake.

10. The hazards existing at the Roberts crossing are not such as to require the closure of that crossing.

11. Public convenience and necessity require that the Roberts crossing be kept open.

12. Public convenience, necessity and safety require that the pavement over said crossing be widened at least to the width of that portion of Roberts Avenue which was repaved by Department under its freeway contract with Monterey.

13. Public safety requires that the protection at Roberts crossing be improved by the installation of Standard No. 8 flashing light signals.

We conclude that the application should be granted as it relates to the proposed Humboldt crossing, that it should be denied as to the Roberts crossing and that the crossing and its protection should be improved as set forth in findings 13 and 14 above.

O R D E R

IT IS ORDERED that:

1. The Department of Public Works, State of California, is authorized to construct Humboldt Street at grade across the Monterey Branch of Southern Pacific Company in the City of Seaside, Monterey County, at the location described in the application herein, to be identified as Crossing No. EE-123.6.

2. The width of said crossing shall be not less than 42 feet and grades of approach not greater than one percent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic gate arms.

3. Construction expense shall be borne in accordance with an agreement entered into between the parties. Should the parties fail to agree the Commission will apportion the cost of construction by further order. Applicant shall bear maintenance cost of the crossing outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost of the crossing between such lines.

4. City of Monterey shall improve and widen Roberts Avenue at its crossing at grade over the track of Southern Pacific Company,

identified as Crossing No. EE-123.8, in the City of Monterey, to a width of not less than 30 feet, with grades of approach not greater than one percent. Construction shall be equal to or superior to Standard No. 2 of General Order No. 72.

5. Southern Pacific Company shall improve the protection at said Crossing No. EE-123.8 by installation of two Standard No. 8 flashing light signals (General Order No. 75-B).

6. Construction and installation expense for said Crossing No. EE-123.8 shall be the subject of agreement between the Department of Public Works, Cities of Monterey and Seaside and Southern Pacific Company. Should the parties fail to agree, the Commission will apportion said costs by further order. City of Monterey shall bear maintenance cost of the improved crossing outside of lines two feet outside of rails. Southern Pacific shall bear maintenance cost of the crossing between such lines.

7. Maintenance costs for the automatic protective devices specified in ordering paragraphs 2 and 5 of this order shall be divided in the same proportions as the costs of construction and installation shall have been apportioned, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

8. All of the construction and installations provided for in this order shall be completed within one year after the effective

date hereof, but in no event later than the date on which the State Route 1 freeway is opened for traffic through the City of Seaside.

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

Dated at San Francisco, California, this 18th day of JULY, 1967.

[Signature]
President
[Signature]
Attorney
[Signature]
Commissioners