

BEM

**ORIGINAL**

Decision No. 73157

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF  
 HOLLISTER for the realignment  
 of a public grade crossing over  
 SOUTHERN PACIFIC RAILROAD Spur  
 Line at 4th Street Crossing  
 No. P.U.C. 94.75 in the City  
 of Hollister, County of San Benito,  
 State of California.

Application No. 48745  
 (Filed August 26, 1966)

Joseph P. Talbot, for applicant.  
Harold S. Lentz, for Southern Pacific  
 Company, interested party.  
John L. Carroll, for the Commission  
 staff.

OPINION AND SUPPLEMENTAL ORDER

By its Interim Order in Decision No. 72032, dated February 15, 1967, in this proceeding, the Commission authorized the City of Hollister (City) to reconstruct the crossing of Fourth Street at grade with the tracks of Southern Pacific Company, Crossing No. EB-94.75, in that city, as described and substantially as shown in the application and subject to certain specified conditions, including the type of crossing protection to be installed and the manner in which costs were to be apportioned.

The interim order states that "Applicant alleges the parties are unable to reach an agreement on the closure of an adjacent crossing as a condition for railroad's participation in the proposed alteration and has requested a decision to be rendered by the Commission regarding such closure. . . . The railroad, however, has no objection to the issuance of an interim order regarding improvements at the Fourth Street crossing and deferring the matter of possible closure of an adjacent crossing at some

future date." The interim order further states that possible closure of an adjacent crossing will be the subject of a further order of the Commission.

Public hearing for the purpose of determining whether a crossing of Southern Pacific tracks adjacent to that at Fourth Street should be closed was held before Examiner Bishop at Hollister on May 9, 1967. With the filing of an exhibit on May 22, 1967, the matter was taken under submission.

Evidence was presented by the Hollister City Manager, by ten residents of the community and by two members of the engineering staff of Southern Pacific.

The application was occasioned by the widening of Fourth Street by City on each side of the railroad crossing. In order to eliminate the resulting hazard created by the considerably narrower stretch of pavement over the crossing, it was necessary to widen the latter correspondingly. As hereinabove stated, the widening of the crossing has been authorized by the interim decision and the question to be determined herein is whether one of the neighboring crossings, either at Second Street or Third Street should be closed.

Applicant's presentation was confined to a statement of position and brief testimony and argument in support thereof by the City Manager. The City Council, he said, had passed a motion on September 19, 1966 to the effect that it was opposed to the closure of any crossings. He testified that the City is concerned about possible delays to police and fire vehicles if one of the crossings should be closed, requiring a longer route from the fire and police headquarters to locations east of the railroad tracks. A second point of concern was the hazard that will be created, if either of the crossings is closed, by the probable practice of

pedestrians and children on bicycles continuing to cross the tracks at those points.

Evidence presented by Southern Pacific disclosed the following facts. Hollister is located at the end of the carrier's Hollister branch. The branch enters the city from the northwest and extends southeasterly through the city to the station and terminal yard located south of Fourth Street and two blocks east of San Benito Street, the main north-south business street. The railroad crosses San Benito Street near the northerly edge of town and crosses Second, East (a north-south street), Third and Fourth Streets, successively. Each of the first three of these crossings is protected by two crossbuck signs. Under the terms of Decision No. 72032, above, the protection at Fourth Street was to be upgraded from crossbuck signs to two Standard No. 8 flashing light signals, supplemented by two flashing light signals on cantilever arms.<sup>1/</sup>

Southern Pacific rail service to Hollister consists of one freight train per day, five days per week, with occasional trips on Saturdays or holidays. The train is based at Gilroy, doing the local work north of that city as well as the Gilroy and Hollister branch switching. A late-filed exhibit showed the arrival and departure times of the trains for the period from February 15 to May 5, 1967, inclusive, comprising a total of 60 trips. Of the 54 trips on regular work days only two showed arrivals earlier than 4:30 p.m.<sup>2/</sup> On 49 occasions the train arrived at Hollister after

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<sup>1/</sup> Fourth Street is the principal east-west street through the business district of Hollister.

<sup>2/</sup> Arrival times for all of the Saturday and holiday runs were early in the afternoon. With one exception, the train remained in Hollister only a few minutes.

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5:00 p.m. and 36 of these arrivals were after 6:00 p.m. Departure time on most occasions was from two to three hours after arrival, depending upon the amount of switching to be done.

A series of exhibits introduced by Southern Pacific showed the results of traffic counts of highway vehicles taken at the Second, Third, Fourth and East Street crossings. The results of these counts are summarized in the following table.

Traffic Count of Vehicles passing over  
the indicated grade crossings in Hollister  
during the 24-hour periods of the dates shown.

<u>Crossing</u>		<u>No. of Vehicles</u>
Second Street	May 5, 1967	
After 6:00 p.m.		122
After 4:30 p.m.		207
Total for day		710
Third Street	April 20, 1967	
After 6:00 p.m.		106
After 4:30 p.m.		179
Total for day		627
	April 21, 1967	
After 6:00 p.m.		137
After 4:30 p.m.		214
Total for day		643
East Street	May 5, 1967	
After 6:00 p.m.		315
After 4:30 p.m.		527
Total for day		1,632
Fourth Street	October 12 and 13, 1964 <sup>#</sup>	
After 6:00 p.m.		328
After 4:30 p.m.		525
Total for 24 hours		1,692

<sup>#</sup> For 24-hour period beginning at noon on October 12, 1964.

These traffic counts were taken on regular work days. To the extent that they are representative, they reveal that the preponderance of traffic moving over the indicated crossings does so before the arrival times of the daily freight trains. The record further discloses that frequently the switching operations of the local freight are conducted when crossing traffic is very light.

At the request of counsel for Southern Pacific, official notice was taken of the train-vehicle accident reports filed by that carrier with the Commission, involving the grade crossings here in issue. The reports date back to May 1926. From that time up to the date of hearing no accidents were reported for the Second Street crossing. At the Third Street crossing there have been three accidents during the same period, none resulting in death or injury. The most recent of these accidents occurred in 1963. At East Street<sup>3/</sup> there have been four accidents, resulting in one injury and no deaths; the injury occurred in the most recent of these accidents, that of December 8, 1965. At the Fourth Street crossing there have been six accidents, resulting in one injury and no deaths. The most recent accident, that involving the injury, occurred on September 5, 1961. All of the accidents at these crossings, except those at which dates are specified, occurred at least 25 years ago.

At the Second Street crossing visibility, for eastbound motorists, of trains approaching from the right is somewhat obscured by a garage building. To a lesser degree, visibility at Third Street, for eastbound drivers, appears also to be obscured by nearby buildings. Otherwise, visibility at the crossings in question is unobstructed.

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<sup>3/</sup> It is to be understood, of course, that there is no proposal herein to close the crossing at East Street.

Yard and industrial tracks lie to the south of a point just north of Fourth Street, where the first switch is located. According to a railroad witness, however, switching operations often cause blocking of either or both of the crossings at Second and Third Streets, because of the position or length of the trains.

The position of Southern Pacific is that either or both the Second and Third Street crossings should be closed, with the widening of and improvement of protection at the Fourth Street crossing. In support of this stand, the assistant division engineer testified that it has been the trend all over the nation to reduce the number of railroad crossings in close proximity to a crossing of major importance, such as Fourth Street. It would not be economically feasible, he said, to improve the protection at every crossing. Under the circumstances, the lesser crossings should be closed and their traffic diverted to Fourth Street.

Seven of the ten witnesses who testified, on their own behalf, are residents of the northeastern section of the city, with the railroad lying between their houses, on the one hand, and the business district and schools, on the other hand. The remaining three witnesses in this group are business men whose establishments are adjacent or close to either the Second Street or Third Street crossing. The testimony of the residents was generally to the effect that these crossings are used by them frequently and regularly as lying on the direct, practicable and logical routes between their homes and the business district. To go over Fourth Street crossing would require detours, in some instances quite indirect, to the east or to the west. Another alternative, which all seemed particularly desirous of avoiding, would be to go to North Street (Santa Ana Road outside the City limits) an east-west street located on the northern

edge of town, proceed westerly thereon to San Benito Street, make a left turn onto that thoroughfare and proceed southerly into the business district.<sup>4/</sup> The testimony of several was to the effect that this is a very hazardous maneuver because of the heavy traffic on San Benito, and the lack of any traffic signals at the intersection. Some witnesses, living north of, or on North Street, avoid the intersection in question because of the hazards there, using Second and Third Streets to reach the business district.

Two of the aforesaid business men are distributors for major oil companies. Their bulk facilities are on Third Street, those of one at Sally Street, a short distance east of the railroad crossing; the other distributor's plant is a block farther east, at McCray Street. The first of these witnesses testified that he uses the Third Street crossing more than any other in Hollister, that to close it would create circuitous routes from and to his place of business, that he uses Second Street also, that neither of these crossings should be closed. To throw the traffic of these crossings onto Fourth Street, he added, would create a "bottle neck", because of the traffic signals at the intersection of that street with San Benito Street. The testimony of the second distributor was similar to that of the first except that, in his opinion, to close Third Street and leave Second Street open would be hazardous, because the latter is narrow and the view is not unrestricted. The third merchant witness operates a motor sales and garage business at San Benito and Second Street. His plant extends all along Second

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<sup>4/</sup> This route also would involve crossing the railroad track on San Benito Street, a heavily traveled intercity highway, as well as being the principal business street of Hollister. This crossing is protected by a crossbuck sign and a wigwag signal.

Street easterly almost to the railroad track, near the intersection of Second and East Streets. To close Second Street crossing, he said, would create a big burden on his business, as that street is used frequently for repair work going into and out of the garage, access to that part of his business being via Second Street.<sup>5/</sup>

All of the ten public witnesses objected to the closure of either of the two crossings in issue. Some stated, however, that if one was to be closed it should be Second Street rather than Third Street.<sup>6/</sup>

A representative from the Traffic Engineering Branch of the Commission's Transportation Division assisted in development of the record. At the close of the hearing he stated that in the early stages of the Hollister problem the staff was primarily concerned with the quality of protection of Fourth Street, that it had taken no position as to whether the Second or Third Street crossings should be closed, and that on reviewing the matter the staff now thinks that if one of these is to be closed it should be the Second Street crossing.

The record shows that at an on-the-site meeting attended by city administrative representatives, Southern Pacific officials and Commission staff members, the city people indicated willingness

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<sup>5/</sup> Traffic to and from the garage uses East Street also, via Second Street, the intersection of the two streets lying just east of the Second Street crossing. If that crossing were barricaded, access between the garage and East Street would also be shut off.

<sup>6/</sup> It is to be noted that, if the traffic counts summarized in the table hereinabove are to be considered representative, the volume of vehicular traffic over the Second Street crossing exceeds that moving via the Third Street crossing.



to consider closing one of the two crossings in question when the Fourth Street crossing was widened. This was prior to the filing of the application herein. But subsequently the city council vetoed such a proposal. Opposition to closure by the residents and business men who would be affected thereby was further evidenced through the testimony, hereinabove outlined, of a substantial portion of the body of people who attended the hearing.

The record further shows, and we find, that:

1. While Second and Third Streets are not, by any standard, arterials, volume of traffic over the grade crossings on those streets is important.

2. While alternate routes are, of course, available, the logical, reasonable, direct and safe routes to and from the business district (or location beyond) from and to places in Hollister east and north of the Southern Pacific line are, for many of the residents of that area, via Second and Third Streets and over the grade crossings on those streets.

3. Said crossings are important for the commercial welfare of certain business establishments located in their vicinity.

4. Hollister is at the end of a branch line of Southern Pacific.

5. By reason of that fact and by operating rule, train speeds in Hollister are restricted to a maximum speed of 15 miles per hour.

6. Regularly there is only one train, a freight train, in and out per day, five days per week.

7. The preponderance of vehicular traffic moving over the Second and Third Street crossings does so prior to the usual time of arrival of the Southern Pacific train.

8. Often the time during which the train is in Hollister and engaged in switching operations is a period, in the evening, when traffic over the crossings is very light.

9. In over 40 years there have been no train-vehicle accidents at the Second Street crossing.

10. In over 40 years there have been only three accidents at the Third Street crossing, resulting in no injuries and no deaths.

11. If either, or both, of these crossings is, or are, to remain open, the present circumstances, including volume of street and railroad traffic, visibility, accident record, and other factors, do not require upgrading of the protection at said crossings.

12. Public convenience, necessity and safety do not require the closure of either the Second Street or Third Street grade crossings in Hollister.

13. Public convenience, necessity and safety do not require installation of a higher standard of protection at said crossings than that now provided.

We conclude that no crossing adjacent to the Fourth Street crossing in Hollister should be closed at this time.

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IT IS ORDERED that no crossing adjacent to the Fourth Street crossing in Hollister shall be closed.

Dated at Los Angeles, California, this 3rd day of OCTOBER, 1967.

John E. Mitchell  
President

Augustine

William M. Bennett

John P. Moussey  
Commissioners

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