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ORIGINAL

Decision No. 73935

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own Motion into the status, safety,
maintenance, use, and protection
or closing of the crossing No.
BN-695.6 at grade of the Calexico
Branch Line, Southern Pacific
Company within the city limits of
the City of Imperial in the County
of Imperial.

Case No. 8710
(Filed October 17, 1967)

Norman T. Ollestad, for Southern Pacific
Company; Orlando B. Foote, for City
of Imperial; respondents.
William L. Oliver, for the Commission
staff.

O P I N I O N

This proceeding is an investigation by the Commission on its own motion into the status, safety, maintenance, use and protection or closing of a crossing of Southern Pacific Company over Main Street in the City of Imperial (City). The crossing is designated as Crossing No. BN-695.6.

The purposes of the investigation, as set forth in the Order Instituting Investigation, are to determine:

1. Whether or not the health, safety and welfare of the public and the employees, passengers and customers of Southern Pacific Company require the installation, operation, maintenance and use of additional or improved protective, safety or other devices, or the alteration, relocation, widening or closing of said crossing;

2. Whether, if any construction, alteration or relocation and maintenance of said crossing be ordered, on what terms the same shall be done and to make such apportionment of costs among the affected parties as may appear just and reasonable; and

3. Whether any other order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction should be issued.

By said order, Southern Pacific and City were made respondents in the proceeding.

Public hearing was held before Examiner Bishop at El Centro on January 4, 1968. Evidence was introduced on behalf of the Commission's staff through an associate transportation engineer, for Southern Pacific by its public projects engineer and for City by a member of its city council.

The record discloses the following facts: Main Street is a major east-west street through the center of Imperial, intersecting State Route 86 approximately one quarter mile west of the crossing in question. State Route 86 extends from Niland to the Mexican border and is the principal route between Brawley and El Centro. Main Street^{1/} extends 24 miles east and west of Imperial and, in the county, connects with State Routes 111 and 115, to the east, and with Interstate Route 8, to the west. Main Street provides the principal access to the city's commercial area and schools. The immediate neighborhood of the crossing is devoted to industrial concerns engaged in processing agricultural products.

At the crossing there are four tracks, namely, the main track, a siding and two industrial spur tracks. One of the latter crosses Main Street approximately 90 feet east of the group of three other tracks. Protection at the crossing consists of one Standard No. 3 wigwag and two Standard No. 1 (crossbuck) signs.^{2/}

^{1/} In unincorporated territory, this thoroughfare is designated Worthington Road.

^{2/} The staff engineer had found that the wigwag signal and the westerly crossbuck sign had not been placed in conformance with the requirements of the Commission's General Order No. 75-B.

The widths of the street approaches are 21 feet from the east and 56 feet from the west. The crossing area varies in width from 21 feet to 80 feet. The maximum approach grade is two percent.

Visibility for eastbound drivers approaching the crossing is restricted both to the north and to the south. Visibility for westbound drivers approaching the crossing is restricted to the north, but unrestricted to the south. Maximum speed for trains is 45 miles per hour over the crossing and the posted maximum for highway vehicles is 25 miles per hour.

Imperial is located on the Calexico Branch of Southern Pacific, extending from its junction with the main line at Niland, on the north, to Calexico, on the Mexican border, where the branch connects with the Sonora-Baja California Railway. From nine to twelve trains per day pass through Imperial; in addition to through train movements there are switching operations over the crossing.

The staff engineer's study discloses that since July 1, 1961 four vehicle-train accidents have occurred at the crossing; they resulted in a total of four persons injured. Two of these accidents occurred in 1965 and the fourth, in which two people were injured, in April 1967. In each of the accidents, the witness testified, the highway vehicle collided with the train.

Traffic counts made in August and December 1967 disclosed that 1,020 and 1,081 vehicles passed over the Main Street crossing on typical days in those months, respectively. A large proportion of this traffic, the engineer found, consisted of heavy trucks with trailers. School buses use the crossing once in the evening, loaded, and twice in the morning, empty.

In the opinion of the staff witness, the Main Street crossing is a hazardous one because of the restricted visibility,

the multiple tracks, the number of trains involved and the relatively high volume of street traffic. He recommended that protection at the crossing be improved by replacing the present devices with two Standard No. 8 flashing light signals supplemented with automatic gate arms. He also recommended that the automatic protection be controlled by adequate electronic devices to prevent over-activation of the gate arms. The witness pointed out that automatic protection which includes the use of gates has been demonstrated to be much more effective in preventing grade crossing accidents than have flashing light signals alone.

Under the staff proposal, movements over the spur track located some distance easterly of the main group would not actuate the automatic protective devices. The engineer recommends that traffic on Main Street be protected from such movements by a member of the train crew or another competent railroad employee acting as flagman.

The engineer also recommended that the cost of installing the flashing light signals and gates be apportioned 50 percent to the Southern Pacific Company and 50 percent to City. He indicated that this basis of allocation has been generally used by the Commission in other proceedings where the circumstances are not unlike those which prevail in connection with the crossing at issue.

Southern Pacific's public projects engineer testified concerning estimates he had made of installation costs of improved crossing protection and of the necessary circuits. This estimate of the cost of installing equipment recommended by the staff engineer was approximately \$22,500; the estimated annual maintenance cost was \$1,320. He further estimated that if only the flashing light signals were installed the cost of installation would be reduced by something

under \$3,000. He recommended that if an order is issued directing upgrading of protection at the Main Street crossing, automatic gates be included in the order. He also concurred in the staff recommendations as to apportionment of costs.

A member of the city council testified regarding the problems of financing the cost of installing the improved crossing protection in the event that City is required to bear a share of such cost. He stated that there is no provision for such item in the current budget, that the only source of funds would be from the taxpayers, that the assessed valuation of property in the city is relatively low, that in order to provide the necessary funds for a future fiscal period it would be necessary to raise the city tax rate, and that there are other projects which, in the judgment of the city officials and of the residents, are of greater urgency than that here being considered and which should be completed before any financial burden is assumed by the city for upgrading of crossing protection.

In his testimony the staff engineer had pointed out that, under statutory provisions, the Commission has a fund from which, on application, it may reimburse a public agency in an amount not exceeding 50 percent of said agency's share of the cost of installing crossing protective devices.

In his closing statement counsel for City said that the latter agrees with the staff recommendation that the existing protection at the Main Street crossing should be upgraded. City questions, however, the necessity for automatic gates, particularly in view of the fact, as developed on the record, that another heavily traveled crossing, that of the main line of the San Diego and Arizona

Western Railway near State Route 96, near El Centro, is protected by flashing light signals only.

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principal reason which may be placed on City by an order upgrading

of crossing protection is that some of the structures which obscure the view of drivers approaching the crossing are

crossing protective devices.

In his closing statement counsel for City said that the latter agrees with the staff recommendation that the existing protection at the Main Street crossing should be upgraded. City questions, however, the necessity for automatic gates, particularly in view of the fact, as developed on the record, that another heavily traveled crossing, that of the main line of the San Diego and Arizona Railway over State Route 86, near El Centro, is protected by flashing light signals only. It is pointed out that the principal reason why the City by an order upgrading a crossing should be placed on that side of the structure

which obscure the view of drivers approaching the crossing are located on Southern Pacific property. He suggested that, in view of this fact, the railroad's share in the cost of installing improved protection might well be greater than 50 percent.

We find that:

1. Main Street is the principal east-west thoroughfare of the City of Imperial and that it extends 24 miles east and west of that city, connecting with four major highways, including State Route 86, the principal north-south route between the upper Imperial Valley and the Mexican border.

2. Main Street provides the principal access to the city's commercial area and schools, and carries substantial intercity agricultural and local truck traffic.

3. The Main Street crossing of Southern Pacific Company is centrally located in the community and is in the vicinity of several industrial concerns.

4. By reason of the foregoing facts a substantial volume of vehicular traffic uses said crossing. Included in this movement are a loaded school bus in the morning and two empty buses in the evening.

3/ The staff engineer testified that, although no recommendation has been made or agreement reached regarding said crossing, it is included, with other grade crossings in Imperial County, in a continuing review, as to the adequacy of its protective devices.

5. The Main Street crossing is located on Southern Pacific's Calexico Branch, which extends from its connection with the main line at Niland, on the north, to Calexico, on the Mexican border, where connection is made with a Mexican railroad.

6. From nine to twelve trains per day pass through Imperial; in addition to through train movements there are switching operations over the crossing.

7. At the crossing there are three tracks grouped together, including the main track; an additional spur track crosses the street 90 feet easterly of said group of tracks.

8. Maximum permissible train speed over the crossing is 45 miles per hour; the posted maximum highway speed is 25 miles per hour.

9. Protection at the crossing consists of one Standard No. 3 wigwag and two Standard No. 1 (crossbuck) signs.

10. Visibility for eastbound drivers approaching the crossing is restricted, both to the north and to the south; for westbound drivers it is restricted to the north, but unrestricted to the south.

11. Widths of street approaches to the crossing are 21 feet on the east and 56 feet on the west.

12. From September 9, 1961 to the date of the hearing there have been four vehicle-train accidents, resulting in a total of four persons injured and no fatalities. The most recent accident occurred on April 13, 1967, with two persons injured.

13. In all of said accidents the vehicle collided with the train.

14. The circumstances hereinabove found to exist with respect to the Main Street crossing create a hazardous condition which requires the improvement of the existing crossing protection.

15. The estimated cost of installation of two Standard No. 8 flashing light signals supplemented with automatic gates and with electronic control devices adequate to eliminate over-activation of the gate arms, said signals and gate arms to be activated by train or engine movements on the aforesaid group of three tracks only, is approximately \$22,500.

16. Public safety, convenience and necessity require that the Main Street crossing (Crossing No. BN-695.6) be improved by installing, in lieu of the existing protection, two Standard No. 8 flashing light signals, supplemented with automatic crossing gates, said automatic protection to be controlled by adequate electronic devices to eliminate over-activation, and said automatic protection to be activated by train or engine movements on the aforesaid group of three tracks only.

17. Southern Pacific should be required to issue the necessary instructions to provide that traffic on Main Street be protected from movements over said crossing on the spur track easterly of the main group of tracks by a member of the train crew or other competent railroad employee acting as flagman.

18. There are no special conditions prevailing at, or in connection with, the Main Street crossing which justify a different apportionment of the costs of installing the improved crossing protection specified in Finding 16, above, than that set forth in Finding 19, below.

19. The cost of installation of said improved protection should be apportioned 50 percent to Southern Pacific Company and 50 percent to the City of Imperial.

20. The cost of maintenance of said improved protection shall be apportioned in accordance with Section No. 1202.2 of the Public Utilities Code.

We conclude that the crossing protection at the Main Street crossing should be improved, and the installation and maintenance costs thereof be apportioned, as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall, within nine months after the effective date of this order, improve the protection of the crossing of Main Street, No. BN-695.6, with its Calexico Branch in the City of Imperial, by the installation of two Standard No. 8 flashing light signals supplemented with automatic gates, the automatic protection to be controlled by adequate electronic devices to eliminate over-activation, and said automatic protection to be activated only by train or engine movements on the group of three tracks which include the main track.
2. The installation costs of said protective devices specified in numbered paragraph 1 of this order shall be apportioned as follows: 50 percent to Southern Pacific Company and 50 percent to the City of Imperial.
3. The maintenance costs for said automatic protective devices specified in numbered paragraph 1 of this order shall be apportioned in the same manner as the installation costs are ordered to be apportioned in numbered paragraph 2, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.
4. Southern Pacific Company shall, within thirty days of the effective date of this order, issue and place in effect instructions to provide that traffic on Main Street shall be protected from movements over the crossing on the spur track located easterly of the aforesaid group of three tracks by a member of the train crew or other competent railroad employee acting as flagman.

5. Within thirty days after the completion of the work pursuant to the first numbered paragraph of this order, Southern Pacific Company shall so advise the Commission in writing.

The Secretary of the Commission is directed to cause service of the order to be made upon respondents and the effective date of this order shall be twenty days after such service.

Dated at San Francisco, California, this 2nd day of APRIL, 1968.

[Signature]
President
[Signature]
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Commissioners