

ORIGINAL

Decision No. 74912

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN PACIFIC COMPANY for an order authorizing maintenance and operation at grade of an industrial track across Todd Avenue, in the City of Azusa, County of Los Angeles, State of California.)

Application No. 49787
Filed November 9, 1967

Walt A. Steiger, for applicant.
Paul D. Foxworthy, for City of Azusa; and H. Randall Stoke, for Consolidated Rock Products Co.; interested parties.
William L. Oliver, for the Commission staff.

O P I N I O N

The Southern Pacific Company seeks to maintain and operate in the City of Azusa, County of Los Angeles, State of California, an industrial track across Todd Avenue.

Public hearing was held before Examiner DeWolf at Los Angeles on August 29, 1968, at which time the matter was submitted.

Applicant alleges that Todd Avenue crosses the industrial spur track which has existed for many years, and that a portion of said track from its turn out on the branch line to the southerly right of way line is owned by applicant. A portion of the track is owned by Consolidated Rock Products Company. This part extends from said right of way line westerly into a lumber yard including the portion across Todd Avenue. At the present time Southern Pacific Company operates only the portion of the track owned by

it up to the street. Railroad cars to and from the Marmion Lumber Company located on the westerly side of Todd Avenue, are spotted on the portion of the track which is owned by Southern Pacific Company and are thereafter moved by Marmion across Todd Avenue by means other than with locomotive power, such as a truck or towveyer.

The spur track is not presently protected by any devices but is less than 200 feet south of the branch line which is protected by two No. 8 flashing lights, and the lumber company testified to use of a flagman at the spur track crossing.

Three witnesses testified for applicant and Exhibit No. 1 in evidence is a copy of an agreement dated January 24, 1962, between applicant and Consolidated Rock Products Company, which is owner of a portion of the spur track and land on the west side of Todd Avenue.

Witnesses for applicant testified that the only user of the spur track and crossing is a lumber company on the west side of Todd Avenue, that all movements are during the daylight hours, that the number of cars moved for each month from January through August is as follows: 5, 4, 2, 2, 1, 3, 10 and 8, respectively and that the cars are moved by the lumber company through the crossing with a tow motor or truck with a flagman to warn the street traffic.

The applicant's witnesses propose that the spur track

crossing be protected by two reflectorized No. 1 crossing signs and that stop signs be placed on the railroad tracks requiring the railroad movements to make a complete stop before entering the street in either direction, and then to proceed into the street with caution, and to conduct operations only during daylight hours. Applicant also proposes to issue appropriate special instructions to its operating personnel to carry out the proposed procedures.

Applicant testified that if automatic protection were to be installed it should be two No. 8 flashing light signals, and estimated the cost of another set of flashing lights at \$7,000. The witnesses testified that installation of these would not be justified. The cost of relocating the existing light on the south side of the branch line was estimated at \$2,500, and the use of one set of lights for both tracks was not recommended by applicant.

One witness testified for the Consolidated Rock Products Company that this spur track had been used by the company since prior to 1922, that it was leased to a lumber company in 1960, and since used solely by it. The witness testified that this spur goes into the lumber yard through a gate next to Todd Avenue which is kept locked except when cars are being moved into the lumber yard, that movements are made only during daylight, and that Todd Avenue had been recently improved by the City of Azusa.

A witness for the Commission staff testified that the spur track crossing should be protected by reflectorized crossing signs and by a flagman when movements are made across the street, that a fusee be ignited and placed on both sides of the train before crossing, or in the alternative that the No. 8 flashing light signal on the south side of the branch line be moved to the south side of the spur track and be wired to give warning of the movements on both tracks. However, he had no objection to the installation of two flashing light signals. The staff witness also testified that the city plans to extend Todd Avenue northerly and the estimated vehicle movements on the street at this crossing for 1974 would be 4,000 vehicles per day. The railroad objects to the use of a flagman at the crossing because of danger to him in traffic. The parties did not agree on any manner of protection for the crossing. There are no reflectorized crossing signs at the spur track at this time. Presently Todd Avenue ends approximately 600 feet to the north of the track. The witnesses testified that movement of the cars at the crossing by the railroad will improve the safety at the crossing.

No objections were made to the application of the railroad to operate over the crossing, and the only questions involved are those concerning the type of protection to be installed.

Upon consideration of the evidence the Commission finds as follows:

1. Public interest and convenience require that applicant be authorized to operate at grade over an industrial track across Todd Avenue in the City of Azusa as requested in the application.

2. The crossing at Todd Avenue will be adequately protected by the installation of two Standard No. 1 crossing signs reflectorized, by the installation of train stop signs on each side of the street for the trains and by instructions to the train crews to stop the train before entering the street, to deposit a lighted fusee in the street on each side of the track and then to proceed with caution and to conduct operations only during daylight hours.

3. The cost of installation, operation and maintenance of the crossing protection should be borne by applicant.

The application should be granted and crossing protection authorized as hereinafter set forth.

O R D E R

IT IS ORDERED that:

1. The Southern Pacific Company is authorized to maintain and operate an industrial spur track across Todd Avenue in the City of Azusa, State of California, located approximately 200 feet south of applicant's branch line crossing at Todd Avenue.

2. There shall be installed at the Todd Avenue crossing two standard No. 1 reflectorized crossing signs for protection of the highway traffic and railroad train stop signs in both directions for train movements. The railroad shall issue instructions to

operating personnel to stop at the intersection and place a lighted fusee in the street on each side of the train, then to proceed with caution and to conduct operations only during daylight hours.

3. The cost of installation and maintenance of the crossing protection shall be borne by the Southern Pacific Company.

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

Dated at San Francisco, California, this 6th day of NOVEMBER, 1968.

William Lyons, Jr.
President
John E. Ditchell
William L. Bennett
Augustus
Fred P. Monissey
Commissioners