

ORIGINALDecision No. 75094

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the matter of standards)
 for signs at private road crossings)
 of railroad tracks.)

Case No. 8207
 (Filed June 22, 1965)

John J. Balluff, Henry M. Moffatt, R. D. Hayes
 and Donald L. Stone, for The Atchison, Topeka
 and Santa Fe Railway Company and Los Angeles
 Junction Railway Company; Sidney E. Muma, for
 McCloud River Railroad; Harold S. Lentz and
Larry W. Telford, for Southern Pacific Company,
 Northwestern Pacific Railroad Company and San
 Diego and Arizona Eastern Railway Company;
Marshall W. Vorkink, for Union Pacific Railroad
 Company; and Walter G. Treanor and Richard W.
Bridges, for Western Pacific Railroad, Sacra-
 mento Northern Railway and Tidewater Southern
 Railway; respondents.
Milton B. Kane, for State Department of Public
 Works, Division of Highways; Ralph Hubbard,
 for California Farm Bureau Federation;
George W. Ballard and James E. Howe, for
 Brotherhood of Railroad Trainmen; James L.
Evans, for Brotherhood of Locomotive Firemen
 and Enginemen; G. R. Mitchell, for Brotherhood
 of Locomotive Engineers; Stuart L. Wright, for
 California State Automobile Association;
Barnard C. Johnson and William Marconi, for
 Western Section - Institute of Traffic Engineers;
 and Arnold A. Johnson, for League of California
 Cities, interested parties.
Elmer Sjostrom and Leonard L. Snider, Counsel,
James K. Gibson and M. E. Getchel, for the Com-
 mission staff.

O P I N I O N

This investigation was instituted on the Commission's own
 motion to determine the need for prescribing reasonable standards
 for the design, installation and maintenance of signs at private
 road crossings of railroad tracks in this State, and to determine
 whether General Order No. 75-B should be modified or amended.

Public hearings were held during 1966 before Examiner John Power and an Examiner's Proposed Report was issued on February 27, 1967. Exceptions to the Proposed Report were filed by a number of the parties to the proceedings.

The 1967 Legislature enacted Statutes 1967, Chapter 944, which added Section 7538 to the Public Utilities Code reading in part as follows:

"At any farm or private grade crossing of a railroad where no automatic grade crossing protection device is in place the commission shall be empowered to prescribe, as a means of protecting the crossing, one or more stop signs of the type described in Section 21400 of the Vehicle Code or of such other design as it may consider appropriate..."

The matter was reopened and further public hearings were held on October 30 and November 6, 1967, following enactment of the above legislation, the matter was submitted and briefs were filed by the parties.

The 1968 Legislature amended Section 7538 of the Public Utilities Code by Statutes 1968, Chapter 351, to read in part as follows:

"At every farm or private grade crossing of a railroad where no automatic grade crossing protection device is in place there shall be installed, as a means of protecting the crossing, one or more stop signs of the type described in Section 21400 of the Vehicle Code or of such other design as the commission may prescribe unless, after hearing, the commission shall find that the installation of such sign or signs at a particular crossing would create a hazard or dangerous condition that would not otherwise exist..."

This amendment, which became effective on November 13, 1968, requires the installation of some form of stop sign at every farm or private railroad grade crossing. Consequently, submission of the matter was set aside and a further hearing was held on October 16, 1968, and the matter was again submitted following closing statements of the parties.

In view of the urgency of determining the type of sign to be installed so that the railroads may promptly proceed with the installations required by the legislation, this decision will be limited to a determination of the signs, and the other requirements and issues coming within the scope of this investigation will be decided by further order.

At the hearing on October 16, 1968, the Commission staff witness introduced Exhibit No. 10, attached hereto as Appendix A and made a part hereof, which diagrammed the recommended private crossing signs as recommended by the staff subsequent to the 1968 legislation. These recommended signs are substantially the same as Southern Pacific Company's photograph Exhibit No. 7 presented at an earlier hearing in this matter. The staff witness was of the opinion that the standard octagonal stop sign (as described in Section 21400 of the Vehicle Code) should be used in preference to some other design of stop sign for the following reasons:

1. Since some form of stop sign is now required at private railroad crossings, the most effective stop sign (Octagonal) should be used to convey this message.

2. The octagonal stop sign is recognized by everyone and the octagonal shape as well as the word "STOP" indicates clearly what is expected of the vehicle driver.

3. There are already installed a number of octagonal stop signs at private crossings and these would not have to be replaced.

4. Since it is now a misdemeanor to not stop when a train is closely approaching, the most recognizable stop sign should be employed to prevent the driver from violating the law.

5. Easier recognition of the stop sign would promote more obedience and hence greater safety with the octagonal stop signs.

The staff witness also explained that the second sign on the post, mounted just below the stop sign, would convey the balance of the message to the vehicle driver that (1) it was a railroad crossing, (2) it was a private crossing, and (3) the lower portion of the sign beginning with the words "No Trespassing" was language which could be used at the option of the railroad to occupy no more than a vertical 8 inch of space. The total message could be given in this manner by only two signs mounted on a single post. It was his recommendation that two posts with signs be installed at each private crossing unless it was impossible to locate the sign or signs, since stop signs would only be effective if placed on each side of the crossing facing the approaching traffic.

The Southern Pacific Company witness generally agreed with the recommendation of the Commission staff, and further testified that about 22 percent of the approximate 3,730 private crossings of Southern Pacific were presently equipped with octagonal stop signs, and that it would cost about \$83 per crossing to install the recommended signs at additional crossings. He testified that \$41,000 would be lost if existing stop signs at the 820 crossings would have to be replaced.

The position of the other major railroads represented (The Atchison, Topeka and Santa Fe Railway Company, Union Pacific Railroad Company and The Western Pacific Railroad Company) was in favor of the Appendix A signs recommended by the Commission staff.

The Brotherhood of Locomotive Engineers introduced a witness and took a position, along with the Brotherhood of Railroad Trainmen, in favor of the staff recommendation.

In opposition to the use of octagonal stop signs (Vehicle Code Section 21400) at railroad crossings were representatives of

the League of California Cities, Western Section of the Institute of Traffic Engineers, the California State Automobile Association and the Automobile Club of Southern California, and witnesses were introduced. The State Department of Public Works also took a position in opposition to use of the octagonal stop sign at railroad crossings except where there is inadequate sight distance or heavy vehicular traffic or heavy rail traffic, and suggested instead a square stop sign (Exhibit No. 5) which had previously been introduced by Southern Pacific prior to the 1968 legislation as an alternative to its Exhibit No. 7 which is the same as the staff recommended sign. Since the law now requires that a stop sign be installed at private railroad crossings, those opposed were of the opinion that some form of stop sign other than the standard octagonal stop sign should be employed.

The reasons advanced by those opposed to use of the octagonal stop sign are as follows:

1. If octagonal stop signs are used extensively at minor little used private grade crossings, it will promote a general disregard for such stop signs, and they will not be effective, when installed at highway intersections.

2. Octagonal stop signs should only be installed when warranted because traffic volume, accidents or unusual safety hazards exist.

3. Vehicle-train accidents constitute only a minute portion of the total vehicle accidents, and therefore the installation of octagonal stop signs to improve safety for this small proportion would render a disservice to the majority by diluting the effectiveness of stop signs in the broader aspect of street and highway traffic control.

4. Enforcement would be limited on private roads, and therefore lack of obedience would be reflected on the public street and highway network.

5. Excessive use of stop signs where there is no real need to stop, breeds lack of respect for, and erosion of the strength of, the regulation.

Upon cross-examination witnesses for the opposition admitted that the standard octagonal stop sign was the most effective and best recognized indication which conveyed the message to stop when a stop is required by law. It was agreed that the standard octagonal stop signs, better and more effectively than any other type of sign, were generally understood as conveying the message "Stop and proceed when safe to do so."

Upon consideration of all of the testimony it appears to us that the relatively limited vehicular usage at the estimated 7,500 private railroad crossings, compared with usage of all public highway or street intersections with stop signs, as evidenced by the minute portion of total vehicular accidents occurring at private railroad crossings, would not cause a disregard and erosion of effectiveness of octagonal stop signs at public highway or street intersections. In other words, the use of the private crossings is limited to relatively few persons who might see the signs.

The Commission finds as follows:

1. The 1968 Legislature amended Section 7538 of the Public Utilities Code to require the installation of one or more stop signs at every private railroad grade crossing where no automatic protection exists, of the standard octagonal type or of such other design as the Commission may prescribe.

2. The standard octagonal stop sign is the most effective and best recognized sign to convey the stop message to the public, and should therefore be used to promote obedience and hence greater safety at private railroad grade crossings.

3. The combination of the two signs mounted on a post as depicted in Appendix A would best convey the total message at a private crossing, that a stop is required and it is a private railroad crossing.

4. The lower portion of the lower sign commencing with the words "No Trespassing" contains language which should be permitted at the option of the railroad, but not required by the Commission.

5. Two masts equipped with signs as depicted in Appendix A should be installed at each private railroad crossing not equipped with automatic protection, one on each side of the crossing facing approaching traffic on the road, unless there is no space to locate the sign or signs.

It is concluded by the Commission that the signs depicted in Appendix A attached hereto should be authorized for installation by the railroads at private grade crossings under the conditions set forth in the foregoing findings.

O R D E R

IT IS ORDERED that:

1. The signs depicted in Appendix A attached hereto and made a part hereof are hereby authorized to be installed at private railroad grade crossings. Within two years from the effective date of this order, two such masts with signs shall be installed at each

private railroad grade crossing not equipped with automatic protection, one facing each road approach, unless there is no space to locate the sign or signs.

2. The language contained in lower portion of the lower sign commencing with and including the words "No Trespassing" shall be permitted at the option of the railroad, but shall not be required by the Commission.

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

Dated at San Francisco, California, this 17th day of DECEMBER, 1968.

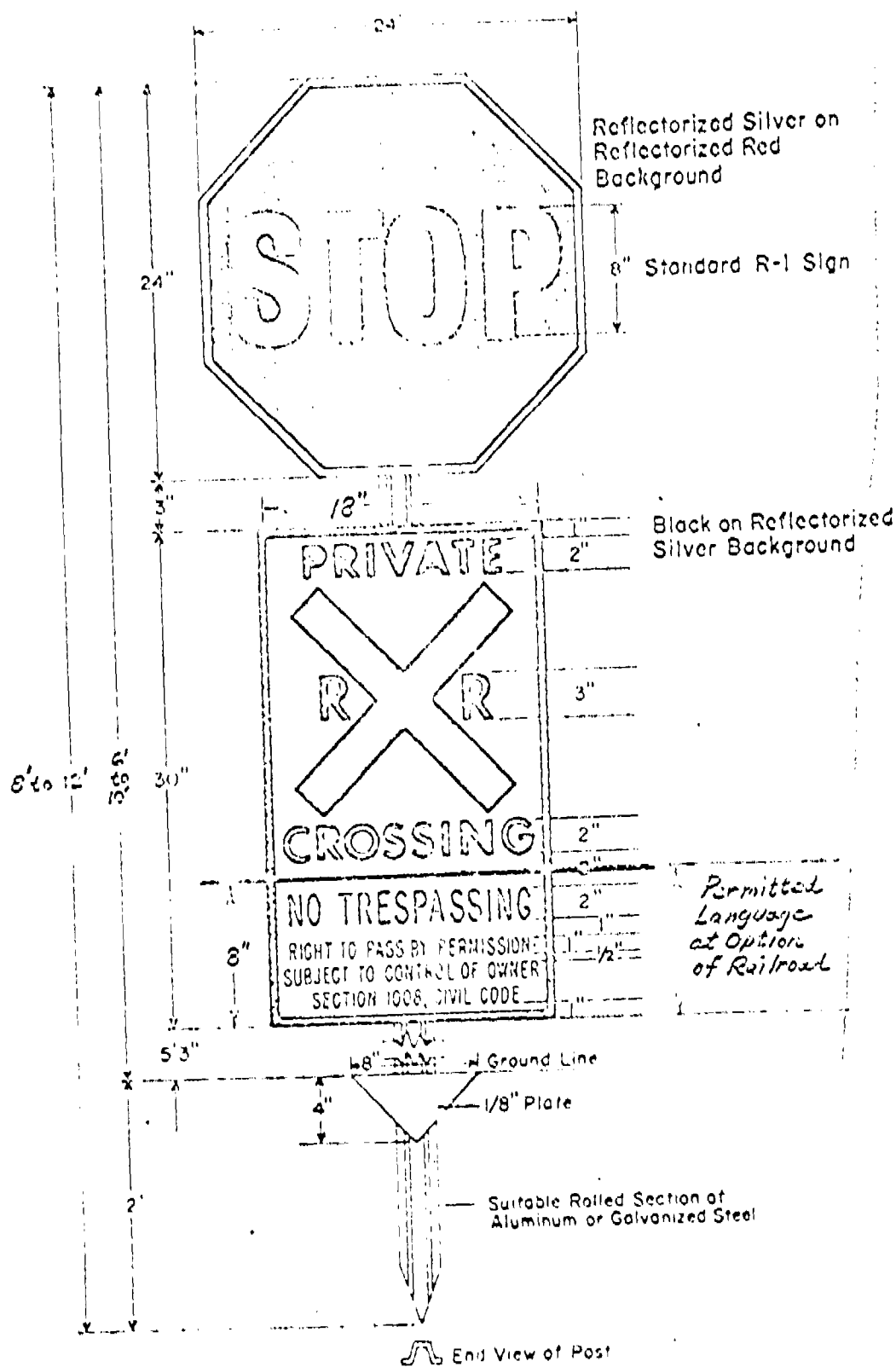
William Synovis, Jr.
President

Augusta
H. P. Morrissey
Commissioners

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

APPENDIX A

Case No. 8207
Exhibit No. 10



PRIVATE RAILROAD GRADE CROSSING SIGN
No Scale

August 22, 1966