

ORIGINAL

Decision No. 75355

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the status, safety
operations, protection, use and
maintenance of a crossing at
grade of the Santa Maria Valley
Railroad Company at the corner
of Jones Street and Broadway in
the City of Santa Maria -
Crossing No. 38B-6.0.

Case No. 8857
(Filed November 6, 1968)

Randolph Karr and J. W. Mullin, Jr.,
for Santa Maria Valley Railroad
Company; John A. VanRyn, for the
City of Santa Maria; and William E.
Sherwood, for the California Depart-
ment of Public Works, Division of
Highways; respondents.
S. M. Boikan, Counsel, for the Com-
mission staff.

O P I N I O N

A hearing on the above-entitled case was held before Examiner Rogers in Los Angeles on December 5, 1968, and the matter was submitted subject to the filing of concurrent briefs, which have been filed and considered.

All parties agreed that the location of the existing protection constituted a hazard and, pursuant to stipulation, an interim order was issued on December 10, 1968 (Decision No. 75086, effective on the date of signing), which required the railroad to move the Standard No. 8 flashing light signal located on the southeast corner of Broadway and Jones Street, eight feet or more east to the southeast corner of the

intersection at the expense of the Division of Highways (Division), and provided that the cost of the work, estimated to be \$600, should be apportioned by subsequent order of this Commission.

The investigation was ~~instigated~~ to determine whether or not the public health, safety and welfare require the removal of the existing protection and the installation and maintenance of additional or improved protection; to determine whether or not the public health, safety and welfare require the relocation, widening or other alteration of the crossing; and to prescribe the terms on which any such installation and maintenance of additional or improved protection devices, relocation, widening, or other alterations should be done; and to make such apportionment of costs; including maintenance costs, as may appear to be just and reasonable.

Facts

Broadway (State Route 135, U.S. Highway 101 Bypass), in the City of Santa Maria (City), runs in a north-south direction. Jones Street is a City street and runs in an east-west direction, crossing Broadway at a 90 degree angle. The Santa Maria Valley Railroad (Railroad) has a single line of track running parallel to and in the approximate center of Jones Street where it crosses Broadway. Jones Street extends for several blocks on each side of Broadway. The crossing here under investigation (Crossing No. 38B-6.0) is the crossing of Broadway by the Railroad.

The track was placed in its present location pursuant to authority from the Board of Trustees of the City on

September 5, 1911 (Exhibit No. 2). This permit granted the Railroad permission to lay the necessary track and operate a railroad for passenger and freight traffic, subject to conditions including "that the said Railroad Company will establish and maintain such safety device or electric bells as shall be deemed best fitted for the purpose by this Board of Trustees, at Broadway and Jones Streets, and at such other street crossings as may be required hereafter."

North of Jones Street, Broadway is 64 feet from curb to curb. Prior to the hearing herein, Broadway was 48 feet from curb to curb south of Jones Street (Exhibit No. 1). The east and west curbs were each eight feet inside the extended curb lines of Broadway as it existed north of Jones Street.

Prior to 1949, the crossing was protected by Standard No. 1 crossing signs. In 1950, pursuant to authority granted by the Division (Exhibit No. 12), the protection at the crossing was improved at the Railroad's expense to two Standard No. 8 flashing light signals (General Order No. 75-B), one of which was on the northwest corner of Broadway and Jones Street and the other on the southeast corner (Exhibit No. 12). In 1950, Broadway was a state highway (U.S. Highway 101) controlled by the Division.

In 1968, the Division and the City (Exhibit No. 3), the Division doing the work, widened Broadway south of Jones Street to 64 feet. When the Division widened Broadway, it left the Standard No. 8 flashing light signal in the southeast corner of the intersection approximately five feet inside the east

curb line. The crossing was widened without authority from this Commission (Public Utilities Code Section 1202). Pursuant to Decision No. 75086, supra, the signal on the southeast corner has been moved inside the east curb line and out of the traveled portion of Broadway.

A Commission engineer investigated the intersection after Broadway was widened and made a report (Exhibit No. 10), which shows the following:

1. Number of tracks	1 branch line		
2. Width of crossing	Track runs longitudinally in Jones Street		
3. Width of approaches	64 feet (presently)		
4. Approach grades	Level		
5. Illumination	Two luminaires - one 42 feet north of track, one 36 feet south of track		
6. Protection devices	Two Standard No. 8 flashing light signals		
7. Advance warning signs	One north of crossing		
8. Maximum train speed	10 MPH		
9. Posted maximum vehicle speeds	25 MPH		
10. Vehicle traffic per day	19,000		
11. Number of trains per day	6 to 12		
12. Driver's visibility when:	To the right	To the left	
150 feet north of track	Unrestricted	Restricted	
150 feet south of track	Unrestricted	Restricted	
13. Accident record:	<u>Date</u>	<u>Killed</u>	<u>Injured</u>
(Train-vehicle only)	10-12-48	0	0

The engineer recommended that the protection at the crossing be increased from two Standard No. 8 flashing light signals to four Standard No. 8 flashing light signals, each supplemented with a gate, and that two of the signals and gates be placed on median islands in the center of Broadway. This recommendation was made because of the increased width

of Broadway. In addition, the engineer recommended that flashing "no left turn" lights, activated by train movements, be placed on the corners of Jones Street to prevent traffic on Jones Street making left turns in front of trains.

The Commission staff recommended that the Railroad and the Division each pay 50 percent of the costs of moving the protection on the southeast corner and installing the new protection and new lights and gates on Broadway and that the Railroad and the City each pay 50 percent of the costs of the "no left turn" signals on Jones Street.

The City has agreed to pay 50 percent of the costs of the installation and maintenance of "no left turn" signals on Jones Street, but has disclaimed any liability for the costs of the protection on Broadway.

The Railroad's witness stated that four flashing light signals supplemented with four automatic gates, as recommended by the staff engineer, should be installed on Broadway and that they are justified because of the increasing vehicle traffic and the volume of the railroad traffic. He stated that the "no left turn" signals would benefit the Railroad. The witness agreed that the Railroad should pay 50 percent of the costs of the installation and maintenance costs of the Broadway protection.

The Division's right of way agent testified that Broadway was widened to dovetail the work with the street improvements being made by the City; that prior to widening there was not enough room on Broadway, south of Jones Street, for two lanes in each direction plus parking lanes; that the widening of

Broadway was to provide such space; that the original intent was that the street was to be widened after the southeast crossing signal had been moved; and that the contractor had not followed the schedule for improving the street. He said the Division did not apply to the Commission for authority to widen the crossing. The Division's attorney stated that if the Commission orders the improved protection proposed by the staff engineer the Division will not object.

The Division concedes that the Commission has the exclusive power to determine the costs of relocating the existing protection or installing new protective devices (Section 1202 Public Utilities Code). It urges that in the normal crossing situation, the decision in the Osborne Street case (Decision No. 73521, dated December 19, 1967, in Application No. 48286) apportioning the costs equally between the railroad and the City is very realistic in providing guidance for future upgrading "when there are no special conditions which would require a different result."

The Division contends that the Railroad is obligated to bear the costs of the installation and maintenance because the crossing was authorized by the City under the franchise from the City which requires the installation by the Railroad at its expense of the protective devices and that the Division, as successor to the rights of the City, is not obligated to share in the costs of the protection. The Division urges that the franchise has inured to its benefit, constitutes a "special condition" as contemplated by the Osborne Street decision (supra)

and that therefore the Division should not be required to share the costs of the existing or added protection.

This Commission has the exclusive power to apportion the costs of the protective devices at railroad crossings. Provisions in municipal ordinances attempting to require the railroad to pay all costs are of no force or effect. The matter is one of statewide concern.

If there are "special conditions" here they would favor a decision requiring the Division to pay all costs of the relocating and improving. Broadway is not being widened to handle more traffic, but because the City and the Division agreed to widen it.

We will, however, absent objection by the Railroad, apportion the costs equally between the Railroad and the Division pursuant to the Osborne decision, supra.

Findings

1. Broadway in the City of Santa Maria is a state highway. North of the intersection of Broadway and Jones Street in said City, Broadway is 64 feet from curb to curb, with two travel lanes and one parking lane on each side of the street. In 1968, the Division, pursuant to an agreement between the City and the Division, widened portions of Broadway, including the intersection of Broadway and Jones Street to 64 feet. Prior to the widening, Broadway was 48 feet from curb to curb south of the intersection of Broadway and Jones Street. The purpose of the widening was to bring Broadway up to the present standards of the City. The

State of California and the City will mutually benefit from the improvement of Broadway.

2. In 1911, the City granted the Railroad authority to run a single line of track east and west along Jones Street across Broadway. Jones Street was then, and is now a city street and open to vehicular traffic for several blocks on each side of Broadway. The authority granted the Railroad by the City required that the Railroad establish and maintain such safety device or electric bells as shall be deemed best fitted for the purpose by the Board of Trustees of the City at Broadway and Jones Street.

3. Prior to 1950, the crossing at Broadway and Jones Street was protected by two Standard No. 1 crossing signs. In 1950, the protection at the crossing was upgraded, at the expense of the Railroad, to two Standard No. 8 flashing light signals, one of which was at the northwest corner and the other at the southeast corner.

4. In 1968, pursuant to an order of this Commission and an agreement between the Railroad and the Division, the Railroad moved the Standard No. 8 flashing light signal on the southeast corner of Broadway and Jones Street east outside the traveled portion of Broadway. The Division agreed to advance the costs, estimated to be \$600, to the City provided this Commission should determine by the order herein who should pay said costs.

5. A 1966 vehicle traffic count shows a 24-hour total of 19,000 vehicles on Broadway. Present train traffic consists of six to twelve train movements on Jones Street across Broadway per day. The trains travel at approximately 10 miles per hour. The posted speed for vehicles on Broadway is 25 miles per hour.

6. Public convenience and safety require that the crossing at Broadway and Jones Street be widened to 64 feet and protected by four Standard No. 8 flashing light signals, each supplemented with an automatic crossing gate. Two of these signals and gates should be placed at the edge of the pavement and two should be placed on medians.

7. The vehicular traffic on Jones Street which makes left turns onto Broadway should be warned of oncoming trains. Public convenience and safety require that illuminated "no left turn" signals activated by train traffic on Jones Street, be placed at the intersection of Broadway and Jones Street to warn vehicular traffic of approaching trains.

8. The cost of relocating the existing grade crossing protection and installing the additional and improved grade crossing protection herein found necessary should be apportioned equally between the Division and the Railroad. The cost of installing the flashing "no left turn" signals on Jones Street should be apportioned equally between the Railroad and the City.

Conclusion

The Commission concludes that the Railroad crossing should be widened and improved and the protection should be upgraded at the intersection of Jones Street and Broadway and the cost apportioned as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Department of Public Works, Division of Highways of the State of California, is authorized to widen the Broadway Crossing, No. 38B-6.0, on the Santa Maria Valley Railroad Company's Branch Line to 64 feet.

2. The Department of Public Works, Division of Highways of the State of California, shall bear all costs of widening the crossing and its approaches outside of lines two feet outside of rails.

3. The Santa Maria Valley Railroad Company shall bear 100 percent of the costs of preparing track necessary within limits of the widened crossing and any paving work within lines two feet outside of rails in the crossing area.

4. The Santa Maria Valley Railroad Company shall bear the cost of maintenance of the widened crossing within lines two feet outside of rails and the Department of Public Works, Division of Highways of the State of California, shall bear the maintenance costs of the crossing and approaches outside of said lines.

5. The Santa Maria Valley Railroad Company shall remove the two existing Standard No. 8 flashing light signals and install four Standard No. 8 flashing light signals (General Order No. 75-B), each supplemented with an automatic crossing gate at the intersection of Broadway and Jones Street in the City of Santa Maria. Two of the signals and gates shall be placed at the edge of the Broadway pavement and two of the signals and gates shall be placed on median strips in the center of Broadway.

6. The cost of relocating the Standard No. 8 flashing light signal formerly located on the southeast corner of Broadway and Jones Street, the cost of removing the two Standard No. 8 flashing light signals as now located, and the cost of installing the four Standard No. 8 flashing light signals, supplemented with automatic gates, at the intersection of Broadway and Jones Street shall be apportioned equally between the Santa Maria Valley Railroad Company and the Department of Public Works, Division of Highways of the State of California.

7. The Santa Maria Valley Railroad Company shall install two train activated flashing "no left turn" signals at the intersection of Broadway and Jones Street to protect vehicular traffic on Jones Street.

8. The cost of the "no left turn" signals shall be divided equally between the City of Santa Maria and the Santa Maria Valley Railroad Company.

9. The maintenance cost of the Standard No. 8 flashing light signals and gates shall be borne equally by the Santa Maria Valley Railroad Company and the Department of Public Works, Division of Highways of the State of California, and the maintenance cost of the "no left turn" signals shall be borne equally by the Santa Maria Valley Railroad Company and the City of Santa Maria, in accordance with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

10. The Standard No. 8 flashing light signals supplemented with gates and the "no left turn" signals shall be interconnected and activated by the same train movement.

11. Within thirty days after completion of the work herein ordered, the City of Santa Maria, the Santa Maria Valley Railroad Company, and the Department of Public Works shall each notify the Commission in writing of its compliance with the order herein.

12. The improvements and changes herein provided for are to be completed within six months after the effective date of this order unless time is extended.

The effective date of this order as to each respondent shall be twenty days after service, either personally or by certified or registered mail, on such respondent or its attorney.

Dated at San Francisco, California, this 25th
day of FEBRUARY, 1969.

William J. ...
President

Augustin ...

John P. Monrosey

(17th March 1969)

Commissioners