

ORIGINAL

Decision No. 75853

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety,)
maintenance, use and protection or)
closing of the crossing at grade of)
the tracks of the SOUTHERN PACIFIC)
COMPANY at Woodland Avenue in the)
County of Stanislaus, said crossing)
designated as Crossing No. B-111.6.)

Case No. 8895

Harold S. Lentz, for Southern Pacific Company;
Douglas J. Carmody, Elwyn L. Johnson, for
the City of Modesto; Richard G. Barhite,
Jonathan H. Rowell, for the County of
Stanislaus, respondents.
William D. Figg-Hoblyn, Counsel, R. O. Collins,
for the Commission staff.

O P I N I O N

The Commission, by its order of February 18, 1969,
instituted an investigation of the crossing at grade of Southern
Pacific's San Joaquin Valley Route Main Line and Woodland Avenue
in the County of Stanislaus, to determine:

1. Whether or not the public health, safety and welfare
require relocation, widening, closing or other alter-
ation of said crossing, or require installation and
maintenance of additional or improved protective
devices at said crossing pursuant to Section 1202 of
the Public Utilities Code.
2. Whether, if any of the above should be done, on what
terms such shall be done, and to make such apportion-
ment of costs among the affected parties as may appear
just and reasonable pursuant to Sections 1202 and
1202.2 of the Public Utilities Code.

Public hearing was held before Examiner Gilman in Modesto on
April 21 and 22, 1969.

Position of the Parties

At the hearing on April 21, 1969, all parties indicated that there was no controversy as to the necessity for additional protection at the crossing. It was further indicated that the type of protection proposed by Southern Pacific Company involving the addition of automatic gates and predictors was acceptable to all parties. All parties therefore stipulated that the Commission should order the installation of additional crossing protection with the type of installation proposed by the railroad in its Exhibit No. 1.

The issues reserved for hearing and argument were:

1. Whether the City of Modesto could or should be ordered to contribute to the installation and maintenance costs as a "city...affected" under §§ 1202(a) and 1202.2 of the Public Utilities Code.
2. Whether the public entities' share of maintenance cost apportioned under §1202.2 should include only that portion of the maintenance cost attributed to the alterations ordered herein, or whether it should be based on the total cost of maintaining both the old and new installations.

The City contended that the public agency share of the expense of upgrading the crossing protection should be borne wholly by the County; this contention was based primarily on the fact that the actual point of crossing between roadway and railroad lies outside the City's boundaries. The staff, the County, and Southern Pacific all contended that the City was affected and thus responsible for its share of the installation and maintenance costs.

After hearing, all issues except No. 2, above, were submitted for decision. That issue now seems settled as a matter of law. Decision No. 75676 in Application No. 50124 (App. of State of California),^{1/} issued May 20, 1969, has determined that all of the costs

^{1/} Commonly referred to as the Alton case.

of maintenance, not merely that portion attributable to a modification, are subject to §1202.2 requirements and are thus to be allocated in the same proportion as the construction costs.

We will follow that determination of this proceeding. Subsequent to the issuance of that decision (copies of which were distributed to the parties herein on or about May 26, 1969 by Southern Pacific Company) no party sought further hearing. Since no further factual evidence appears necessary, the Commission will now consider the proceeding completely submitted for decision.

Description of the Crossing

The street which forms Crossing No. B-111.6 is called Woodland Avenue within the County and Coldwell Avenue in the City. An automobile traveling eastward on Woodland Avenue would first cross three sets of SP tracks, the center one being a high speed main line track; the eastern edge of the railroad right-of-way forms the boundary between City and County. Just eastward of the tracks, and immediately after entering the City, Woodland-Coldwell crosses 9th Street which parallels the SP tracks. 9th Street lies wholly within the City boundaries; at one time it was Highway 99 (State Route 4) but when relinquished by the State in favor of the new freeway Route 99, it reverted to the City.

Each of the approaches to the crossing is now protected by a Standard No. 8 flashing light signal installed in July 1964. Coldwell Avenue is also crossed by an industrial lead track which intersects with the easterly track just north of the crossing herein involved, and which proceeds diagonally across the intersection of Coldwell Avenue and North 9th Street; that crossing (No. B-111.62-C) is not involved in this proceeding.

The Woodland Avenue crossing carries more than 4,000 vehicles per day; two passenger trains and approximately 30 freight trains, as well as approximately 30 switching moves constitute the rail traffic. Since the installation of the present signals in 1964 there have been 4 accidents including one which resulted in 3 fatalities.

Discussion

As can be seen from the crossing description, the dividing line between City street and County road is the eastern edge of the railroad right-of-way. The City's streets form three legs of the crossing; the County road forms one. No vehicle will traverse the crossing without, by the very same movement, either leaving or entering the City's street network. Further, the traffic signals at the intersection between 9th Street and Coldwell Avenue will be interconnected with the crossing signal system. In order to allow eastbound traffic to clear the crossing, the normal control of the highway signals must be overridden to provide a green indication during the first part of the crossing signal actuation period. These facts lead us to the conclusion that the City is "affected".

In previous proceedings, the Commission has held public entities "affected" by a crossing outside their boundaries. (Inv. City of Mendota, 60 Cal. P.U.C. 353; see also, Inv. City of Suisun, D. 66130, C. 7293.)

No party proposed, and there is insufficient evidence to permit a finding, that the shares of the "affected" public entities should be other than equal. Therefore, we conclude that the City is an affected public entity and will apportion the costs of construction and of maintenance 50% to the Southern Pacific Company, 25% to the County of Stanislaus, and 25% to the City of Modesto.

Findings

1. The public safety, convenience and necessity require that the crossing at grade of Woodland Avenue and the tracks of the Southern Pacific Company (Crossing No. B-111.6) be protected by automatic gate arms in addition to Standard No. 8 flashing light signals, substantially in the manner described in Exhibit No. 1 herein; predictor circuits should be installed which are fail-safe in accordance with General Order No. 75-B and which provide an advance warning of 25 seconds, with maximum and minimum limits of 30 and 20 seconds, prior to trains entering the crossing at any speed; it is also necessary that the circuits actuate a green override on the traffic signals at the intersection of Coldwell Avenue and 9th Street to clear traffic eastbound from the crossing during the advance warning period.

2. Coldwell Avenue is a street of the City of Modesto and is an extension of Woodland Avenue. The division between Coldwell Avenue and Woodland Avenue, which is a road of the County of Stanislaus, is the easterly edge of the railroad right-of-way. 9th Street is a City street and parallels the railroad tracks with approximately 50 feet between the westerly edge of the traveled way and the most easterly track.

3. Traffic turning west from 9th Street, and westbound traffic on Coldwell which proceeds through the 9th Street-Coldwell intersection will enter the hazard area created by the grade crossing almost immediately after leaving the City's streets.

Conclusions

1. The City of Modesto is a "city...affected" within the meaning of §1202(a) and 1202.2 of the Public Utilities Code.

2. The County of Stanislaus is a "county...affected" within the meaning of §1202(a) and §1202.2 of the Public Utilities Code.

3. It is fair and reasonable to divide the installation costs of altering the crossing in the manner described in Finding No. 1, 50% to the Southern Pacific Company and 25% to the City of Modesto and 25% to the County of Stanislaus.

4. The costs of maintenance of all of the signal devices protecting Crossing No. B-111.6, including the modifications ordered herein should be allocated 50% to the Southern Pacific Company, 25% to the City of Modesto and 25% to the County of Stanislaus. The procedures for billing, certification and payment should be in conformity with the provisions of Decision No. 72225 in Case No. 8249.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall, within six months after the effective date of this order, upgrade the protection now installed at the crossing of Woodland Avenue with its San Joaquin Valley Route Main Line (Crossing No. B-111.6) by supplementing the existing Standard No. 8 flashing light signals substantially as described in Exhibit No. 1 herein, said protection to be controlled by predictor circuits, which are fail-safe in accordance with General Order No. 75-B, and which provide an advance warning of 25 seconds, plus or minus 5 seconds, with preemption of traffic signals to clear traffic from the track during the advance warning period.

2. The installation costs of the devices ordered in paragraph 1 hereof shall be apportioned 50% to the Southern Pacific Company, 25% to the County of Stanislaus and 25% to the City of Modesto.

3. The maintenance costs for all of the protective devices installed at this crossing shall, commencing with the completion of the alteration work, be apportioned 50% to Southern Pacific Company, 25% to the City of Modesto and 25% to the County of Stanislaus.

4. Within thirty days after the completion of the alterations required by ordering paragraph 1 hereof, Southern Pacific Company shall so inform the Commission in writing.

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

Dated at San Francisco, California, this 10th day of JULY, 1969.

William Synowick
President

Augustan

Ed R. Monahan

W. W. ...

F. ...
Commissioners