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**ORIGINAL**

Decision No. \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, )  
 maintenance, use and protection of )  
 closing of the crossing at grade of )  
 the track of the Southern Pacific )  
 Company with Tyler Road in the County )  
 of Tehama, said crossing designated )  
 as Crossing No. C-219.9. )

Case No. 8313

Harold S. Lentz, for Southern Pacific Company;  
Robert W. Trimble, George A. Hoag, and  
Thomas J. McGlynn, for Tehama County,  
 respondent.

Larry LaLaguna, for Tehama County Taxpayers  
 Association; Patrick G. Noble, for Westover  
 Co.; interested parties.

William Figg-Hoblyn, Counsel, and M. E. Getchel,  
 for the Commission staff.

O P I N I O N

This decision is entered after a further public hearing was held in this matter before Examiner Jarvis at Red Bluff on March 18, 1969. On March 14, 1967, the Commission entered Decision No. 72133 in this matter. The order in Decision No. 72133 was annulled by the California Supreme Court for failure to separately state findings of fact and conclusions of law on all material issues. (Southern Pacific Co. v. Public Utilities Com'n, 68 Cal.2d 243.) After the order was annulled, Southern Pacific Co. (hereinafter sometimes referred to as Southern Pacific) petitioned to have the Commission set aside the submission in this matter and receive further evidence. On August 27, 1968, the Commission entered an order reopening the matter for further hearing which was held as indicated.

At the hearing Southern Pacific and the County of Tehama entered into a stipulation in which the Commission staff joined. The

stipulation provided that the Commission could enter an order which provided for the installation of automatic gates having circuits with predictors, and that the cost thereof, together with the cost of two No. 8 flashing light signals installed while Decision No. 72133 was in effect be apportioned 50 percent to the County and 50 percent to Southern Pacific. In the light of the stipulation further discussion of the matters here involved is not necessary. The Commission makes the following findings and conclusions.

Findings of Fact

1. The crossing here involved is at grade and involves one main line track of Southern Pacific and Tyler Road, a County road. Tyler Road ends about 80 feet west of the crossing, where it intersects old U. S. Highway 99 West. It runs easterly and then southerly from the crossing to the communities of Gerber and Tehama. There is a switch to a siding, called the Rawson siding, approximately 100 feet south of Tyler Road. The siding is used as a passing track, and the signal controlling the stopping point is approximately 400 feet from Tyler Road.

2. An estimated total of 1,343 vehicles use the crossing during a 24-hour period. Twenty-six freight trains and 2 passenger trains pass through the crossing in a 24-hour period. The maximum speed authorized for passenger train operations over the crossing is 70 miles per hour and 60 miles per hour for freight operations.

3. There have been 6 accidents at the crossing during the period from January 1, 1926 to June 28, 1968.

4. The estimated cost of installing the automatic protection is \$17,680 and the estimated annual maintenance cost is \$1,119.

5. In November of 1967, while Decision No. 72133 was in full force and effect, Southern Pacific installed two Standard No. 8 flashing light signals at the crossing.

6. The public safety, welfare, convenience and necessity require that the crossing at grade of Tyler Road and the track of Southern Pacific (Crossing No. C-219.9) be equipped with automatic gates having circuits with predictors.

7. If, in the installation of said automatic gates, it is necessary to disturb the surface of said crossing at grade, then, in such event the public safety, welfare, convenience and necessity require that when the surface is prepared or redone, guard rails or planking should be included in said resurfacing.

8. The public safety, welfare, convenience and necessity require that the "RXR" and crossing stripes at said crossing be repainted.

9. The costs of improving said crossing shall be paid as follows:

- a. The cost of installing two Standard No. 8 signals: 50 percent by the County and 50 percent by Southern Pacific.
- b. The cost of installing automatic gates having circuits with predictors: 50 percent by the County and 50 percent by Southern Pacific.
- c. The cost of repainting the "RXR" and crossing stripes: 100 percent by the County.
- d. The cost of installing guard rails or planking, if required: 100 percent to Southern Pacific.

10. The maintenance costs for said automatic protective devices shall be divided in the same proportion as the cost of construction has been apportioned herein, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

#### Conclusions of Law

1. Southern Pacific should be ordered to install automatic gates having circuits with predictors at said crossing. Fifty percent

of the cost of installing said automatic gates and the two Standard No. 8 flashing light signals heretofore installed should be paid by Southern Pacific and fifty percent by the County.

2. Southern Pacific and the County should each be ordered to pay fifty percent of the annual cost to maintain said crossing protection.

3. If it is necessary to disrupt the surface of said crossing in the installation of said automatic gates, then, in such event, Southern Pacific should be ordered to provide guard rails or planking at said crossing when it is resurfaced. Southern Pacific should be ordered to pay one hundred percent of the cost thereof.

4. The county should be ordered to repaint the "RXR" markings and crossing stripes and pay one hundred percent of the cost thereof.

#### O R D E R

IT IS ORDERED that:

1. Within six months after the effective date of this order, Southern Pacific Company shall install at the crossing of its railroad track and Tyler Road, in the County of Tehama (Crossing No. C-219.9) automatic gates having circuits with predictors. Southern Pacific Company shall pay fifty percent of the cost of installing said automatic gates and the two Standard No. 8 flashing light signals installed pursuant to Decision No. 72133. The County of Tehama shall pay fifty percent of the aforesaid costs.

2. Southern Pacific Company shall pay fifty percent and the County of Tehama shall pay fifty percent of the annual cost of maintaining said automatic gates and Standard No. 8 flashing light signals.

3. If it is necessary to disrupt the surface of said crossing in the installation of the automatic gates required by Paragraph 1 of this order, then, in such event, Southern Pacific Company is ordered to provide guard rails or planking at said crossing when it is resurfaced. Southern Pacific Company shall pay one hundred percent of the cost thereof.

4. Within six months after the effective date of this order the County of Tehama shall repaint the "RXR" markings and crossing stripes at said crossing. The County of Tehama shall pay one hundred percent of the cost thereof.

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

Dated at San Francisco, California, this 15<sup>th</sup>  
day of JULY, 1969.

William J. Spence, Jr.  
President

Arthur

J. P. Monahan

W. H. Hain

T. A. Hain  
Commissioners