

ORIGINAL

Decision No. 76136

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California
 Department of Public Works for an order
 authorizing alteration of grade crossing
 protection at existing Grade Crossing
 No. AB-84.8 at the tracks of the Southern
 Pacific Company in the County of Napa
 from Wigwag to two Standard No. 8 Flashing
 Light Signals with Automatic Gates.)
)
) Application No. 50633
) (Filed October 21, 1968)

Melvin R. Dykman, for State of California, Department
 of Public Works, applicant.
Harold S. Lentz, for Southern Pacific Company,
 protestant.
Steven W. Hackett, Julius Caiocca, Jr., Harold D.
 Hamilton and Walter E. Tamagni, for County of
 Napa; George W. Clark, Eric Barnett, and
Ernest and Jewell Ingraham, in propriae personae;
 interested parties.
Kenneth G. Soderlund, for the Commission's staff.

O P I N I O N

By this application State of California, Department of
 Public Works (Department), seeks the issuance of an order requiring
 Southern Pacific Company to replace the existing No. 3 wigwag at
 Crossing No. AB-84.8 in Napa County with two Standard No. 8 flashing
 light signals, supplemented with automatic gates. Applicant also
 makes additional requests regarding apportionment of costs, to
 which reference will hereinafter be made.

Public hearing was held before Examiner Bishop at St.
 Helena on January 29 and February 25, 1969. Evidence on behalf of
 applicant was presented through an assistant district traffic
 engineer and an assistant agreements engineer, both of applicant's
 Division of Highways. The public projects engineer-signal of South-
 ern Pacific testified for the railroad. An associate transportation

engineer from the Commission's staff, together with other parties, assisted in the development of the record.

Crossing No. AB-84.8 is a crossing of State Route 29 over the Calistoga Branch of Southern Pacific at a point approximately three miles south of St. Helena. The highway generally parallels the railroad from the vicinity of Napa to Calistoga. South of the crossing here in issue the highway lies to the east of the railroad; north thereof it is west of the railroad. The railroad is on a very broad curve at the crossing, and the crossing exhibits a very small angle between railroad and highway. South of the crossing the highway curves slightly to the west as it parallels the railroad.

At the point where the highway crosses the railroad, Whitehall Lane, a county road extending westerly from the highway, forms a "T" intersection with the latter. A house and grounds are located on the property at the southwest corner of said intersection.

Protection for the state highway consists of a single Standard No. 3 wigwag signal (General Order No. 75-B) located southerly of the railroad track at the easterly side of the highway and a Standard No. 1 crossing sign located northerly of the track and westerly of the highway. Also stop bars are painted in the pavement of the northbound and southbound highway lanes 60 feet and 50 feet, respectively, from the center line of Whitehall Lane. Protection for Whitehall Lane at the state highway consists of a highway stop sign and the word "STOP" painted in the pavement of the lane.

According to an exhibit introduced by counsel for Napa County a traffic count taken in 1966 showed that 6,600 vehicles moved over the crossing in a 24-hour period. The traffic entering and leaving Whitehall Lane was relatively small, but increasing.

The figures ranged from 178 vehicles per day in 1965 to 282 per day in 1968. There are four school bus movements per day to and from the lane and a garbage company located on the lane accounts for about 15 truck movements to and from the lane.

Railroad traffic over the crossing consists of two train movements per day.

According to the county's exhibit, there was one train-vehicle accident at the crossing during the period from January 1966 to February 1969. That accident resulted in property damage only. Other accidents, resulting in injuries, or injuries and deaths, or property damage alone, involved vehicles only. At least one of these occurred because of the presence of the railroad track.

The record indicates that the flat angle of the crossing, the curve in the highway and the presence of the "T" intersection of the highway with the lane create hazardous conditions. In the opinion of the traffic engineer, testifying for the Department, the existing No. 3 wigwag signal fails to give adequate protection for the crossing.

The Southern Pacific witness recommended that Whitehall Lane be afforded the same protection as may be ordered for the state highway. He pointed out that to provide gates on the highway, without doing the same for the county road, would create a trap for traffic emerging from the latter. While the gates on the highway were down, and effectually stopping vehicles thereon, traffic from the county road would be given an open path onto the track in front of an approaching train. Additionally, he stated that it is poor design to provide one type of signal on some legs of an intersection or grade crossing without affording the same protection to all approaches.

The position of applicant, Southern Pacific and the Commission's Transportation Division staff is that Standard No. 8 flashing light signals supplemented by automatic gate arms should replace the present No. 3 wigwag signal on the highway and that the boulevard stop sign on Whitehall Lane should be augmented with a Standard No. 8 flashing light signal supplemented by an automatic gate arm. The position of the county and of the corner property owner is that there is no need for a gate at Whitehall Lane. The property owner, in a statement of position, said the present protection for the lane is adequate, that a gate would necessarily be placed in such a position as to block the entrance to his driveway, and that if additional protection is deemed necessary, a flashing red light, suspended over the intersection, would be preferable.^{1/}

Another resident of Whitehall Lane expressed the view that the principal hazard at the intersection of that road with the highway is not due to the presence of the railroad but to the bend in the highway, which obscures the view, to the motorist entering the highway, of northbound traffic.

With respect to apportionment of costs of construction of the proposed facilities, applicant, Southern Pacific and the staff are in agreement that 50 percent should be apportioned to the railroad. Southern Pacific takes no position as to how the remaining 50 percent is to be apportioned to the public bodies. In the event that the Commission should require the installation of three automatic

^{1/} Later in the hearing Exhibit No. 4 was introduced, showing, among other things, a proposed location for the Whitehall Lane No. 8 signal and gate arm. The other parties stipulated that the location indicated thereon would be satisfactory if the Commission should require installation of the gate in question. The property owner indicated that the location shown would make the best of a bad situation.

gate arms, two for the state highway and one for the county road, the staff's position is that the public's portion should be assigned two-thirds to the State and one-third to the county. Counsel for the Department indicated that its position is that it can legally pay only for the cost of installation and maintenance of signal facilities on the state highway.

The position of the Department, the Southern Pacific and the staff with respect to maintenance costs is that such costs should be apportioned the same as will be the costs of installation, as provided in Section 1202.2 of the Public Utilities Code.^{2/}

In its prayer, applicant made certain requests relative to the determination of the number of maintenance units in the existing protection at the state highway crossing and the number of such units in the improved protection after the installation of the latter. The prayer also requested that, after determination had been made in Application No. 50124 (Alton Grade Crossing on Northwestern Pacific Railroad), the Commission determine whether apportionment of maintenance pertains to the total maintenance units of the altered crossing or only to the additional units created by the alteration of the automatic protection. By Decision No. 75676, dated May 20, 1969 in Application No. 50124,^{3/} above, the Commission decided that apportionment of maintenance costs should involve the total number of maintenance units in the improved protection, being the same as the total protection found in place after the improvement.^{4/}

^{2/} The staff representative further pointed out that under Section 1231.1 of the Code, Napa County would be eligible for reimbursement from the State Crossing Protection Fund of its portion of the maintenance costs.

^{3/} Rehearing denied by Decision No. 76141, dated September 10, 1969.

^{4/} The number of maintenance units to be assigned to each element of a grade crossing protection installation is set forth in Decision No. 72225, dated March 28, 1967, in Case No. 8249 (67 CPUC 49).

Also, the Commission concluded that a determination of the number of maintenance units involved need not be made by it, for reasons set forth in the decision. There appears no basis for different conclusions in the present proceeding.

We find that:

1. Public safety, convenience and necessity require that Crossing No. AB-84.8 be improved by replacing the existing Standard No. 3 wigwag signal with Standard No. 8 flashing light signals, supplemented with automatic gates.

2. With the installation of automatic gates on State Route 29 at said crossing the existing protection to vehicles seeking to enter the state highway from Whitehall Lane will be inadequate, as any such vehicles moving onto the highway as the gates come down may be trapped on the railroad track in the face of an approaching train.

3. Public safety, convenience and necessity require that the grade crossing protection on Whitehall Lane at its junction with State Route 29 be improved by the installation of a Standard No. 8 flashing light signal supplemented with an automatic gate and that the location of the standard for said signal and automatic gate be substantially as shown on the diagram in Exhibit 4 in this proceeding.

4. The cost of installation of the improved crossing protection specified in Findings 1 and 3 above, should be apportioned as follows: 50 percent to Southern Pacific Company, and of the remaining 50 percent, two-thirds to the Department and one-third to Napa County.

5. Maintenance costs of the improved protection should be apportioned in the same manner as are the installation costs, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

6. Maintenance costs of the improved protection should be based on the total number of maintenance units in said improved protection.

7. The requests of the Department for a determination by the Commission of the exact number of maintenance units involved before and after the improvement in protection, have not been justified.

We conclude that the grade crossing protection involved in this proceeding should be improved, and maintenance costs apportioned, as provided in the order which follows and that in all other respects Application No. 50633 should be denied.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall, within six months after the effective date of this order, improve the protection of Crossing No. AB-84.8 with its Calistoga Branch, as follows:

(a) By replacing the existing Standard No. 3 wigwag signal on State Route 29 with two Standard No. 8 flashing light signals (General Order 75-B), supplemented with automatic gates.

(b) By installing on Whitehall Lane a Standard No. 8 flashing light signal supplemented with an automatic gate.

(c) The standard for the signal and automatic gate specified in subparagraph (b), above, shall be located substantially as shown in Exhibit 4 in this proceeding.

2. The installation costs of the improved crossing protection specified in numbered paragraph 1, above, shall be apportioned as follows: 50 percent to Southern Pacific Company, and of the remaining 50 percent, two-thirds to State of California, Department of Public Works, and one-third to the County of Napa.

3. The maintenance costs of said improved crossing protection shall be apportioned in the same manner as the installation costs are ordered to be apportioned, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

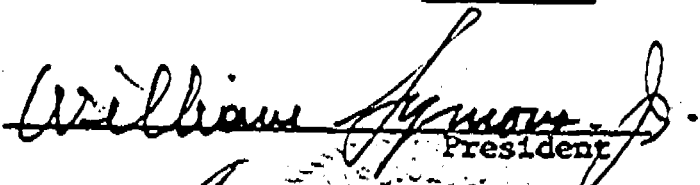
4. Maintenance costs of said improved protection shall be based on the total number of maintenance units involved.


5. Within thirty days after the completion of the work pursuant to numbered paragraph 1 of this order Southern Pacific Company shall so advise the Commission in writing.

6. In all other respects Application No. 50633 is denied.

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

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


President


Commissioner


Commissioner

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.