

ORIGINAL

Decision No. 76492

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTHERN PACIFIC COMPANY to modify the requirements of General Order No. 75-B relating to the use of backlights in connection with the operation of Standard No. 8 grade crossing signals.

Application No. 51205
(Filed June 30, 1969)

O P I N I O N

It has been commonly accepted that the requirement of Standard No. 8 of General Order No. 75-B that "...(s)ignals shall be so constructed as to display a danger warning in both directions along the highway ..." should be interpreted to mean that each individual signal in a multiple installation shall carry backlights.^{1/}

The typical Standard No. 8 complex is composed of two signals located in diagonally opposed corners of the street-track intersection. In such a situation, the backlights can provide a useful supplementary warning. Where, however, such an installation is supplemented by a pair of standards located in median strips on each side of the track, backlights on the center line signals are normally of little added value, since the backlights of the far installation would be perceived in the same segment of a driver's arc of vision as the lights of the nearer signal.

Southern Pacific Company by its application states that in such situations the Commission customarily provides specifically for omission of backlights, and that such exceptions have become,

^{1/} Backlights are a second set of flashing lights installed back-to-back with the primary signals, thus presenting a warning signal to traffic on the opposite side of the track.

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de facto, the general rule. It seeks to have the Commission formally recognize this situation by incorporating it in the General Order.

All cities, counties and railroads, the State Department of Public Works, Division of Highways and various other entities often appearing as parties in crossing matters were notified by the Commission of Southern Pacific's proposal, and invited to submit statements in support or opposition to the proposal, or counter-proposals.

Western Pacific Railroad Company's response indicated that it had no objection to the proposal so long as any provision did not make elimination of backlights mandatory. Ordering paragraph 3 below is intended to clarify the interpretive order so as to accommodate Western Pacific's position.

The City of Los Angeles Department of Public Utilities and Transportation supported Southern Pacific's allegation that backlights were not necessary in the type of installation at issue. No other responses were received.

Discussion

Our General Orders should unambiguously reflect the usual practices and rules actually observed in proceedings before the Commission.

However, it does not necessarily follow that a formal amendment to General Order No. 75-B is required to conform to such rules. The problem arises not from the specific terms of the Order, but from the fact that the "Display" provisions are stated in very broad and general terms coupled with the fact that no Commission decisions have expressly interpreted those rules in the context of a median-strip or center line installation.

To avoid the expense and difficulty of republishing and reissuing the General Order to accomplish a single, relatively minor change, we feel it is appropriate to proceed by interpreting rather than by amending the Order. We have also considered that piecemeal amendment is especially inappropriate for a General Order issued thirty years ago, which may require major revisions in the near future.

Findings

We find that:

1. When installed as a supplement to backlit signals located at diagonally opposed corners of a crossing, a pair of Standard No. 8 flashing light signals installed in the highway center line or on median strips does not normally require backlights to give a satisfactory danger warning in both directions along the highway.
2. A public hearing is not necessary.

Conclusion

We conclude that it is appropriate to adopt the interpretive rule stated below.

O R D E R

IT IS ORDERED that:

1. The provisions of General Order No. 75-3 relating to "Display" for Standard No. 8 flashing light signals shall from the effective date of this order be construed in accordance with the following:

"When installed as a supplement to automatic signals with backlights, located at the corners of a crossing in the manner described in Paragraph VI(c) of this Order, a pair of Standard No. 8 flashing light signals installed on the center line or on median strips, one on each side of the railroad tracks, is considered to display a danger warning in both directions, without the use of backlights."

2. Ordering paragraph 1 shall not be applied as to authorize removal of backlights on any Standard No. 8 signals in operation or under construction on the effective date of this order nor to authorize omission of backlights on reconstruction of any such signal, unless such removal or omission is specifically authorized by this Commission.

3. Ordering paragraph 1 is permissive, and shall not be applied to forbid installation of backlights.

4. Backlights shall be required on any installation of Standard No. 8 flashing light signals not described by ordering paragraph 1, except when omission is specifically authorized by this Commission.

5. Notwithstanding the provisions of ordering paragraph 1, the Commission may in an appropriate case specifically order installation of backlights on Standard No. 8 flashing light signals emplaced in a highway center line or median strip.

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

Dated at San Francisco, California, this 2nd day of DECEMBER, 1969.

William J. ...
President

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Commissioners