

Decision No. 78680

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the safety, maintenance, operation, use and protection of all public grade crossings over the Southern Pacific Company's El Paso Line between Los Angeles and Ontario, the Union Pacific Railroad Company's main line between Los Angeles and Ontario, and The Atchison, Topeka and Santa Fe Railway Company's main line between Los Angeles and Upland and between Los Angeles and La Mirada.

Case No. 7521
Petition for Modification
of Decision No. 67887

(Filed October 14, 1970)

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by Ronald Schneider, Deputy
County Counsel, for the County
of Los Angeles, petitioner.
Robert B. Curtiss, Attorney at
Law, for The Atchison, Topeka
and Santa Fe Railway Company,
respondent.
William E. Sherwood, Attorney at
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interested party.
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O P I N I O N

By the petition herein, the County of Los Angeles (County) requests that the Commission modify certain provisions of Decision No. 67887, dated September 22, 1964, in Case No. 7521, and apportion costs between it and The Atchison, Topeka and Santa Fe Railway Company (Railway). The Railway opposes the County's requested apportionment.

A public hearing on the petition was held before Examiner Rogers in Los Angeles on January 12, 1971, and evidence was presented. At the conclusion of the hearing the parties were given permission to file concurrent briefs. The last brief was filed on March 29, 1971, and the matter was thereupon submitted.

Background

By Decision No. 67887, supra, the Commission, among other things, ordered the installation of automatic gates at the "E" Street crossing of Railway's track (Crossing No. 2-107.9) in the City of La Verne by June 30, 1968, the cost thereof to be divided between the City of La Verne and the Railway on a 50-50 basis. The said protection was placed in operation on April 19, 1968. The circuits were so installed that they would provide 20 to 30 seconds of the warning aspect in advance of the anticipated normally fastest train. "E" Street crosses Arrow Highway, hereinafter referred to, which is approximately parallel to the Railway and less than 200 feet south therefrom.

Decision No. 67887 contains certain ordering paragraphs relative to the interconnection of street traffic signals and railway signals as follows:

"1. . . . The Atchison, Topeka and Santa Fe Railway Company shall install automatic signal protection at its main line grade crossings prior to June 30 of each year of 1965, 1966, 1967 and 1968 as provided for each crossing described in Appendix C attached hereto.^{1/} . . .

"2. Where gate protected crossings are now or in the future within 200 feet of a signalized intersection, the approach circuits and timing relays shall be adjusted so that the gate arms will be in a lowered position for approximately 25 seconds with limits of from 20 to 30 seconds in advance of the normally fastest train.

"3. Where gate protected crossings are now or in the future within 200 feet of a signalized street intersection, the respective traffic signals and railroad signals shall be interconnected so that in the preemption phase initiated by an approaching train the traffic signals shall first display a green interval of sufficient length to clear all vehicles from the track area.

"4. . . .

"5. . . .

"6. . . .

"7. . . .

^{1/} Appendix C contains the following:

| <u>Crossing No. and Street Name</u> | <u>Public Agency Involved</u> | <u>Protection</u> |
|-------------------------------------|-----------------------------------|-------------------|
| <u>June 30, 1968 (Continued)</u> | | |
| 2-107.9 - "E" Street | La Verne | Automatic Gates |

"8. Installation cost for the signal work specified in paragraph 1 hereof as well as the cost to revise approach circuits shall be apportioned 50 percent to the railroad involved and 50 percent to the public agency or agencies involved."

On January 28, 1969, the County advertised a contract for the improvement of Arrow Highway, including the "E" Street intersection in La Verne. In connection with this improvement, traffic signals were installed and the work was completed on December 12, 1969. The traffic signals were coordinated with the Railway crossing protection. The first notice the Railway had that the County intended to signalize the intersection was in 1969.

Early in the year 1971, the Railway extended the length of the circuits governing the advance downtime for the automatic protection at "E" Street and thereupon became eligible to, and now does, operate trains thereover at 65 miles per hour.

The costs which the County and the Railway ask the Commission to apportion in this proceeding are made up of three items as follows: The sum of \$3,348 to extend the Railway's circuitry to assure a 20- to 30-second gate downtime prior to train passage; the sum of \$235 for interconnection of devices, installed on Railway property, to coordinate the Railway signals and the Arrow Highway-"E" Street signals; and the sum of \$880 representing the interconnecting cost of the County work in or in the vicinity of the traffic signals (see Exhibit No. 1).

In our opinion, the situation involved in the petition herein considered is not covered by Decision No. 67887 with the exceptions of ordering paragraph 2 and ordering paragraph 3.

The Cost of Extending Circuitry

When Decision No. 67887 became effective, the Railway was operating at a maximum permitted timetable speed of 45 miles per hour through La Verne and, when gates were installed at the "E" Street crossing in La Verne (May 1968), the circuitry was installed to provide for a 20- to 30-second warning aspect in advance of the normally fastest train based on an anticipated 65-miles-per-hour speed. In said decision, the Commission found that a speed limit of 65 miles per hour was reasonable over the La Verne crossings.

Upon installation and coordination of the traffic signals adjacent to the crossing, the evidence shows that the circuitry installed was adequate for the 20- to 30-second gate downtime^{2/} requirement only for train speeds of 45 miles per hour or less. To allow for authorized train speeds at 65 miles per hour the crossing protection circuitry would have to be further extended to points approximately 1,500 feet on each side of the "E" Street crossing at a claimed cost to the Railway of \$3,348. The County demurs to paying any portion of this sum, claiming that this work is separate and apart from the crossing protection and the Arrow Highway-"E" Street intersection traffic signal coordination.

The Railway states that it fulfilled its monetary obligation relative to the circuitry when it paid half of the cost of the gates (including circuitry allowing for 65-miles-per-hour train speeds) pursuant to agreement with the City of La Verne and

^{2/} "Gate downtime" is distinguished from "warning aspect" in that this is a requirement for the gates to be in a lowered position some 10 to 15 seconds longer than normally provided for in the 20 to 30 seconds "warning aspect" required in General Order 75-B. The additional length of "gate downtime" results in 40 to 45 seconds of "warning aspect".

in accordance with Decision No. 67887; that when the County, sometime later, initiated a project of its own, to wit, the signalization of the intersection of "E" Street and Arrow Highway, it assumed the entire obligation to pay whatever costs were necessary to interconnect such new signals with the existing gate installation and to extend the circuitry as permitted by Decision No. 67887.^{3/} We disagree.

There is nothing in Decision No. 67887 which required the Railway to increase the speed of its trains through La Verne. In this instance, the increased speed is the sole cause of the extended circuitry beyond the length necessitated by the original installation of gates. The increased speed is for the Railway's own benefit, or, at least, suits the Railway's purposes. We find that no other party to this petition should be required to contribute to the cost of extending the circuitry to permit 65-miles-per-hour operations and the Railway should bear the entire expense thereof.

^{3/} The Railway also argues that even if any portion of the costs of the lengthened circuitry is treated as a part of the installation of gates to be allocated 50-50 between the Railway and the public agency, it should be no more than \$2,346, representing the sum of what the circuitry extension would have cost had it been done at the time (1968) of the gate installation (\$2,111) and the \$235 Railway-street traffic signal interconnection cost, and that the additional cost (\$1,237) necessitated by the job being done later (1971) plus the entire cost of work in and around the County's signal box (\$880) should be borne entirely by the County. The Railway appears to believe that the County should have known, when the gates were installed, that it contemplated traffic signals at Arrow Highway and "E" Street; that it should have known that the train speeds would be increased to 65 miles per hour; and hence it should pay the costs occasioned thereby. As stated in the opinion, we disagree with the contention that the County should contribute to the costs.

Interconnection Between Railway's
Signal Control Box and Traffic Signals

The parties have agreed that the cost of interconnecting the Railway's controller for grade crossing protection to the County's traffic signal controller should be borne by the County (Exhibit No. 1). This item (or the items of which this expense is composed) amounts to \$880. We find that this expense should be paid 100 percent by the County.

Interconnections on Railway's Property

In order to coordinate the traffic signals at Arrow Highway and "E" Street with the crossing protection at "E" Street (ordering paragraph 3), the Railway (at a cost of \$235) has installed in its controller for its grade crossing protection (Exhibit No. 1) a relay connected to the line from the County's traffic signal controller. Both parties claim the other should bear this expense. We have made diligent search but have been unable to find any record of a similar situation in which the Commission has apportioned such costs. Inasmuch as there is no precedent, we will apportion this expense to the County subject to the proviso that any replacement or repairs to the equipment be at the Railway's expense. The installation expense is a small item, but the County was remiss relative to their scheduling of this entire matter, and any extra expense, however trivial, should be borne by it. We find that the County should bear the initial connection expense of \$235.

Findings

We find that:

1. The Railway has, and had prior to September 22, 1964, a line of rail not to exceed 200 feet north of and parallel to Arrow Highway in Los Angeles County. Four streets, including "E" Street in the City of La Verne, cross both the Railway and Arrow Highway. Protection at the "E" Street crossing, prior to September 22, 1964, consisted of Standard No. 8 flashing lights.

2. By Decision No. 67887, dated September 22, 1964, we ordered that the "E" Street crossing protection be increased by the addition of automatic crossing gates and restricted maximum train speeds to 65 miles per hour. The adjustment was made at the "E" Street crossing in April or May, 1968, and the City and the Railway divided the costs.

3. After the installation of gates at "E" Street was completed, the County of Los Angeles determined to install traffic signals at Arrow Highway and "E" Street in La Verne. The Railway and the County cooperated in this project and such coordinated traffic signals-railway gates were installed and placed in operation in December, 1969. The first notice the Railway had that the County intended to signalize the Arrow Highway-"E" Street crossing was in 1969.

4. The cost of extending the Railway signal circuitry for the "E" Street crossing is \$3,348. This added cost of the Railway crossing protection is caused solely by the proposal of the Railway for increased speed of its trains through La Verne from 45 miles per hour to 65 miles per hour. This added expense should be borne by the Railway.

5. The highway signals at Arrow Highway and "E" Street, an intersection within 200 feet of the "E" Street-Railway crossing, have been coordinated with the Railway signals. This coordination required a relay in the Railway's "E" Street crossing protection controller at a cost of \$235, and an extension of wiring from the County's traffic signal controller at Arrow Highway and "E" Street to the Railway's controller at a cost of \$880.

6. The cost of the extension from the traffic signal controller to the Railway's controller (\$880) should be paid by the County pursuant to stipulation between the parties.

7. The cost of the connection in the Railway's crossing protection control box (\$235) should in this instance, due to the dilatoriness of the County, be paid by the County. Any repairs or replacements of any part of this wiring should be paid by the Railway.

8. The petition herein considered reflects an unusual situation and cannot be taken as a criterion for any future actions relative to division of costs of crossing protection and/or coordinated street crossing protection.

Conclusions

We conclude that:

1. The Railway should be required to pay the cost (\$3,348) of extending the "E" Street crossing protection circuitry to allow for 65-miles-per-hour train operation.

2. The County should be required to pay the initial cost (\$235) of the wiring in the Railway controller to permit coordination with the County's "E" Street-Arrow Highway protection. Any replacement or repair should be paid by the Railway.

3. The County should pay the cost (\$880) of connecting the traffic control signals at "E" Street and Arrow Highway with the Railway's controller at the "E" Street crossing.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company shall pay the entire cost (\$3,348) of extending the crossing gate circuitry at the "E" Street crossing in the City of La Verne (Crossing No. 2-107.9).

2. The County of Los Angeles shall pay the initial cost (\$235) of the wiring or modification of wiring in The Atchison, Topeka and Santa Fe Railway Company's signal control box as

required to coordinate The Atchison, Topeka and Santa Fe Railway Company's crossing protection with the highway intersection traffic signals at "E" Street and Arrow Highway in the City of La Verne. After the initial cost, The Atchison, Topeka and Santa Fe Railway Company shall be responsible for subsequent maintenance and repair.

3. The County of Los Angeles shall pay the entire expense (\$880) of connecting The Atchison, Topeka and Santa Fe Railway Company's crossing protection from The Atchison, Topeka and Santa Fe Railway Company's protection controller to the traffic signal controller at Arrow Highway and "E" Street in the City of La Verne.

4. The traffic signal at Arrow Highway and "E" Street in the City of La Verne shall be interconnected so that in the pre-emption phase initiated by an approaching train, the traffic signals shall first display a green interval of sufficient length to clear all vehicles from the track area.

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

Dated at San Francisco, California,
this 18th day of MAY, 1971.

I abstain.
[Signature]

Chairman
[Signature]
Commissioners
[Signature]