

Decision No. 80874**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation for the purpose of establishing a list for the year 1973 of existing and proposed crossings at grade of city streets or county roads most urgently in need of separation, or projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, or existing separations in need of alteration or reconstruction as contemplated by Section 189 of the Streets and Highways Code.

Case No. 9423
(Filed August 15, 1972)

(Appearances are listed in Appendix A)

O P I N I O N

On August 15, 1972, the Commission issued an order instituting an investigation to establish the 1973 priority list of existing and proposed railroad crossings at grade of city streets or county roads most urgently in need of separation, or projects effecting the elimination of railroad grade crossings by removal or relocation of streets or railroad tracks, or existing separations in need of alteration or reconstruction as contemplated by Section 189 of the Streets and Highways Code. On or before the first day of each year the Public Utilities Commission is required to establish and furnish such priority list to the Department of Public Works and the California Highway Commission. The list is in conformity with Sections 189 - 190 of the Streets and Highways Code, which provides that in the annual budget report prepared by the California Highway Commission and the Department of Public Works, \$15,000,000 shall be

set aside for allocations to grade separation projects of city streets and county roads. These allocations are made by the Department of Public Works and the California Highway Commission and not by the Public Utilities Commission.

Public hearings were held in Los Angeles and San Francisco before Examiner Daly and the matter was submitted on November 2, 1972.

Copies of the order instituting this investigation were served upon each city, county, and city and county in which there is a railroad grade crossing or separation; each railroad corporation; the Department of Public Works; the California Highway Commission; the Greater Bakersfield Separation of Grade District; the League of California Cities; the County Supervisors Association; and other persons who might have an interest in the proceeding.

In response to the Order Instituting Investigation, various public bodies desiring to nominate crossings or separations for inclusion on the 1973 priority list filed with the Commission the following information:

For Existing Crossings at Grade Nominated
for Elimination or Proposed Separation

1. Identification of crossing, including name of street or road, name of railroad, and crossing number.
2. Twenty-four hour vehicular traffic volume count, by either 60- or 30-minute periods.
3. Number of train movements for one typical day segregated by type, i.e., passenger, through freight, or switching.
4. Statement as to delay at crossing.
5. Type of separation proposed (overpass or underpass).
6. Preliminary cost estimate of project.
7. Statement as to the amount of money available for construction of the project.
8. Statement as to need for the proposed improvement.

For Grade Crossings Nominated for Elimination by
Removal or Relocation of Streets or Railroad Tracks

1. Identification of crossings, including name of street or road, name of railroad, and crossing number.
2. Twenty-four hour vehicular traffic volume count, by either 60- or 30-minute periods.
3. Number of train movements for one typical day segregated by type, i.e., passenger, through freight, or switching.
4. Estimated cost of eliminating crossing if grade separation facilities on the existing alignment of the street and railroad tracks were constructed.
5. Type of alteration proposed.
6. Preliminary cost of project.
7. Statement as to the amount of money available for construction of the project.
8. Statement as to need for the proposed improvement.

For Grade Separations
Proposed for Alteration

1. Identification of crossing, including name of street or road, name of railroad, and crossing number.
2. Twenty-four hour vehicular traffic volume count, by either 60- or 30-minute periods.
3. Description of existing separation structure, with principal dimensions.
4. Type of alteration proposed.
5. Preliminary cost estimate of project.
6. Statement as to the amount of money available for construction of the project.
7. Statement as to the need for the proposed improvement.

During the course of hearing, Exhibit 2 was introduced by the Commission staff. The exhibit considered the nominations and pertinent data filed pursuant to the Order Instituting Investigation in relation to certain tangible and intangible factors. These factors were used for the purpose of comparing the relative importance of

each project in order to assign priorities. Considered among the tangible factors were traffic, cost, accidents, state of readiness, impaired clearance, and demand. The intangible factors considered were potential traffic, position, and relation to city street pattern, relationship to railroad operations, available alternate routes, accident potential, and vehicular delays. Also considered was elimination of existing grade crossings located at or within a reasonable distance from the point of crossing of the grade separation as required by Section 1202.5(a) of the Public Utilities Code.

In addition to the nominations filed, the staff also nominated several projects which it felt were in need of separation. These nominations are included in the list.

Representatives of various cities and counties introduced evidence in support of their nominations.

In determining the position of the projects nominated, consideration was given to the availability of funds for each, the consequent ability to commence construction in 1973, and whether or not an application had been filed with the Public Utilities Commission.

In order to determine the relative position of the grade crossings to be separated, each was ranked according to the factors enumerated in Exhibit 2, viz., traffic factor, cost factor, and accident factor. They were then varied in position according to any special conditions such as the intangible factors heretofore mentioned. In the case of the separations to be altered or widened, the factors considered were the constriction to traffic flow, the cost of each project, and the impaired clearances which may exist.

Because of the carryover of \$11,468,033 from the 1972 fund, the year 1973 will have a total fund of \$26,468,033. In only two of the past fifteen years has the Highway Commission granted the full expenditure of the funds authorized. Public agencies are therefore advised that they should pursue their projects even when a low priority is assigned.

During the course of hearing the attorney for the Department of Public Works made motions relating to the dismissal of three nominations.

The motion to dismiss the San Antonio Road crossing located in Mountain View was based upon the ground that this is an existing grade separation and the proposed construction relates to the approaches, which are designed primarily to facilitate the movement of traffic along city streets. The Department of Public Works argues that the reconstruction of existing grade separations contemplated by Section 189^{1/} of the Streets and Highways Code applies only to work

^{1/} "189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of existing and proposed crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, of projects effecting the elimination of grade crossing by removal or relocation of streets or railroad tracks, and of existing grade separations in need of alteration or reconstruction in the order of priority which, in the judgment of the commission, justifies the elimination of the crossing at grade by the erection or construction of separation structures, or by removal or relocation of streets or railroad tracks, or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such existing and proposed crossings, and existing separations, which, in its judgment, are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

"The priority list shall terminate on the last day of the year for which it is established."

on the separation proper and not to adjacent facilities. The representative for the City of Mountain View relies upon Section 1202.5(a)^{2/} of the Public Utilities Code.

In establishing the priority list Section 189 is the controlling section and it is clearly limited to alteration or reconstruction work to be performed on the existing structure. Section 1202.5 relates only to the apportionment of expenses and cannot be used for the purpose of determining eligibility to the priority list. The motion to dismiss the San Antonio Road nomination is granted.

The other motions of dismissal and restrictions related to the apportionment of costs pursuant to Sections 189 - 190 and were directed to the Abel Street crossing in Milpitas, the Montezuma Street-Harbor Street crossings in Pittsburg, and the Livermore Avenue-North "P" Street crossings in Livermore. The motions are premature. The only purpose of this proceeding is to establish a priority list.

2/ "1202.5. In prescribing the proportions in which the expense of construction, reconstruction, alteration or relocation of grade separations shall be divided between railroad or street railroad corporations and public agencies, in proceedings under Section 1202, the commission, unless otherwise provided in this section, shall be governed by the following standards:

* * *

"(d) Where the project consists of an alteration or reconstruction of an existing grade separation for the purpose of increasing the capacity of the structure for highway purposes, the commission shall apportion ten percent (10%) of the cost against the railroad and the balance against the public agency or agencies affected by such grade separation.

"Where the project consists of an alteration or reconstruction of an existing grade separation for purpose of increasing the capacity of the structure for railway purposes, the commission shall apportion ten percent (10%) of the cost against the public agency or agencies affected and the balance against the railroad applying for authorization to alter or reconstruct such grade separation."

The questions as to the apportionment of costs and the amount to be allocated from the fund can more appropriately be determined in each respective application proceeding before this Commission for authority to construct and in each application made to the Department of Public Works and the California Highway Commission for an allocation from the fund. The motions to dismiss said crossings are denied.

The Commission, after considering all of the nominations, establishes the following priority list for 1973:

PRIORITY LIST OF GRADE SEPARATION PROJECTS OR ALTERATIONS
YEAR 1973
PURSUANT TO SECTION 189 OF THE STREETS AND HIGHWAYS CODE

: Priority:	:	:	:	:	: Project:
: Number :	: Crossing No. :	: Street :	: Public Agency :	: Railroad :	: Type* :
1	BG-498.8 and BBM-499.17	223rd Street	Los Angeles County	S.P.T.	A
2	2B-10.3 and 3-57.0	14th Street	Riverside	A.T.&S.F. & U.P.	A
3	36D-5.2-B	47th Street	San Diego	S.D.&A.E.	C
4	2-252.9-A	Miramar Road	San Diego	A.T.&S.F.	C
5	L-42.6	Lafayette Street	Santa Clara	S.P.T.	A
6	E-440.3-A	Santa Suzana Pass Road	Ventura County	S.P.T.	C
7	2-187.0-B	Canada Road	Orange County	A.T.&S.F.	B
8	E-76.7	Lena Avenue	Santa Clara County	S.P.T.	D
9	2-187.6-B	Ridge Route Drive	Orange County	A.T.&S.F.	B
10	DAB-40.8-B	Paseo Padre Parkway	Fremont	S.P.T.	B
11	2-189.3-A	Alicia Parkway	Orange County	A.T.&S.F.	B
12	2H-24.1	El Segundo Blvd.	Los Angeles County	A.T.&S.F.	A
13	L-42.1-A	Montague Expressway	Santa Clara County	S.P.T.	C
14	2B-35.8-A	Weir Canyon Road	Orange County	A.T.&S.F.	B
15	EC-108.9-B	San Andreas Road	Santa Cruz County	S.P.T.	C
16	4-55.9-B	Dyer Road	Alameda County	W.P.	C
17	18-7.7-A	Carson Road	Placerville	C.F.&L.T.	C
18	E-500.5	Hacienda Boulevard	City of Industry	S.P.T.	A
19	2-165.1 and 3Y-17.6	Lemon Street	Fullerton	A.T.&S.F. & U.P.	A
20	4G-10.1	Abel Street	Milpitas	W.P.	A

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Priority:	Number	Crossing No.	Street	Public Agency	Railroad	Project Type*
21	A-91.0		28th Street	Sacramento	S.P.T.	A
22	2-225.0-A		Harbor Drive	Oceanside	A.T.&S.F.	C
23	B-491.1-B		Durfee Avenue	El Monte	S.P.T.	B
24	E-46.6-B		Julian Street	San Jose	S.P.T.	C
25	8N-1.85 thru 8N-2.6		Montezuma Street thru Harbor Street	Pittsburg	S.N.	D
26	B8C-514.71 thru B8C-515.21		Berkeley Avenue thru College Avenue	Claremont	S.P.T.	D
27	B-567.7		Eighth Street	Banning	S.P.T.	A
28	36-13.8		Picador Blvd. (Smythe Ave.)	San Diego	S.D.&A.E.	A
29	12-7.4-B		Schnell School Road	Placerville	C.P.&L.T.	C
30	2-242.7-A		Via de la Valle	San Diego County	A.T.&S.F.	C
31	2E-20.5-C thru 2E-21.17-C		Madrona Avenue	Torrance	A.T.&S.F.	D
32	2-154.87-B		Florence Avenue	Los Angeles County	A.T.&S.F.	B
33	2-268.9-A		Harbor Drive	San Diego	A.T.&S.F.	C
34	2E-19.5-A		Prairie Avenue	Los Angeles County and Torrence	A.T.&S.F.	B
35	2E-16.5		Encinitas Road	San Marcos	A.T.&S.F.	A
36	2E-14.6		Mission Road	San Marcos	A.T.&S.F.	A
37	36D-3.1-B		Imperial Avenue	San Diego	S.D.&A.E.	C
38	E-393.16-A		Dulah Road	Ventura County	S.P.T.	B
39	2B-25.2-A		Lincoln Avenue	Corona	A.T.&S.F.	B
40	2-233.7-A		Poinsetta Lane	Carlsbad	A.T.&S.F.	B
41	EK-498.0		Imperial Highway	Norwalk	S.P.T.	A
42	A-14.5 and 2K-1.8-B		23rd Street	Richmond	S.P.T. & A.T.&S.F.	C
43	D-47.0 and 4-47.7 and D-46.6 and 4-47.2		Livermore Avenue and North "P" Street	Livermore	S.P.T.&W.P.	A
44	A-75.4-B		Richards Boulevard	Davis	S.P.T.	C
45	B-512.1-A		Roselawn Avenue	Pomona	S.P.T.	B
46	2-188.6-A		Los Alisos Boulevard	Orange County	A.T.&S.F.	B
47	B8C-500.73 thru B8C-501.29-C		Torrance Blvd. thru Dominguez Street	Torrance	S.P.T.	D
48	2-199.9-A		Victoria Boulevard	Orange County	A.T.&S.F.	B

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: Priority:	:	:	:	: Project:
: Number :	: Crossing No. :	: Street :	: Public Agency :	: Railroad : Type* :
49	-	St. Francis Circle	San Francisco	S.F.M.R. A
50	B-483.7	Mission Road - Griffin Avenue	Los Angeles	S.P.T. A
51	B-412.2	Avenue "P"	Los Angeles County	S.P.T. A
52	B-513.0-A and 3-30.6-A	Dudley Street	Pomona	S.P.T.&U.P. B
53	2-159.6	Alondra Boulevard	La Mirada	A.T.&S.F. A
54	2B-1.3	Mill Street	San Bernardino	A.T.&S.F. B
55	B-609.7	Monroe Street	Indio	S.P.T. A
56	4-9.7	Fruitvale Avenue	Oakland	W.P. A
57	E-448.8	Tampa Avenue	Los Angeles	S.P.T. A
58	B-109.5 thru B-110.9	Carpenter - Briggsmore Road	Stanislaus County	S.P.T. A
59	B-210.3	Chestnut Avenue	Fresno County	S.P.T. A
60	B-508.5-A and 3-26.4-A	Grand Avenue	Los Angeles County	S.P.T.&U.P. B
61	2B-0.7	Rialto Avenue	San Bernardino	A.T.&S.F. A
62	BAH-310.3	North Chester Avenue	Bakersfield	
63	2H-19.1-B	190th Street	Separation District	S.P.T. A
64	B-487.3 thru B-489.4	Westminster Avenue thru Chapel Avenue	Torrance	A.T.&S.F. B
65	2-887.6	"F" Street	Alhambra Bakersfield	S.P.T. D
66	E-23.2	Holly Street	Separation District	A.T.&S.F. A
67	36D-16.9 thru 36D-17.6-C	Marshall Avenue	San Carlos	S.P.T. A
68	B-199.9	Ashlan Avenue	El Cajon	S.D.&A.E. D
69	B-469.4	Hollywood Way	Fresno County	S.P.T. A
70	B-312.3	Union Avenue	Los Angeles County	S.P.T. A
71	A-13.8	Cutting Boulevard	Bakersfield	
72	B-213.3	Clovis Avenue	Separation District	S.P.T. A
73	D-5.9-A	Adeline Street	Richmond	S.P.T. A
74	BEG-490.97 thru BEG-493.12	Century Freeway	Fresno County	S.P.T. A
			Oakland	S.P.T. C
			Los Angeles County	S.P.T. D

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Priority:	Number	Crossing No.	Street	Public Agency	Railroad	Project Type*
75	B-54.0-B		Cavallo Road	Antioch	S.P.T.	B
76	3-39.0		Grove Avenue	Ontario	U.P.	A
77	5-14.7-B		Sir Francis Drake Boulevard	Larkspur	N.W.P.	C
78	-		Junipero Serra Blvd.	San Francisco	S.F.M.R.	A

* - Types of Projects:

- A - Existing Crossings at Grade Nominated for Elimination by Proposed Separation.
- B - Proposed Crossings Nominated for Separation.
- C - Grade Separations Proposed for Alteration or Reconstruction.
- D - Grade Crossings Nominated for Elimination by Removal or Relocation of Streets or Railroad Tracks.

O R D E R

IT IS ORDERED that:

1. The Secretary shall furnish a full, true, and correct copy of this decision and order to the State Department of Public Works.

2. The agencies named for the first 30 crossings specified in the 1973 Priority List shall file with this Commission status reports of their respective projects by February 1, 1973.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th
day of DECEMBER, 1972.

Vernon L. Sturgeon
President
William J. Lyons, Jr.
John A. ...
...
Commissioners

APPENDIX A

LIST OF APPEARANCES

Respondents: R. J. Massman, for the County of San Diego; David F. Dixon, for the City of Banning; John C. Beke, for the County of Los Angeles; Gary P. Dysart, for the City of Norwalk; Ronald L. Johnson, Attorney at Law, for the City of San Diego; Eugene E. Bourbonnais, for the City of Torrance; William R. Bradley and Clay Dillman, for the City of San Marcos; Graham Ritchie, Attorney at Law, for the City of Industry; Ted W. Shettler, for the Cities of La Mirada, El Monte, Pomona and Claremont; Robert J. Mimiaga, for the City of Anaheim; Bruce D. Mattern, for the County of Orange; Leslie E. Corkill, for the City of Los Angeles; Edwin B. Louis, for the City of San Jose; Larry Milnes, for the City of Fremont; George E. Cook, for the City of San Carlos; Earl F. McGuire and Donald C. Peek, for the City of Placerville and Camino, Placerville and Lake Tahoe Railroad; Robert M. Barton, for the Cities of Mountain View and Pittsburg; Fred F. Turnier, for the City of Milpitas; David B. Pelz, for the City of Davis; Louis Montini, for the County of Santa Clara; William Parness, for the City of Livermore; Harold S. Lentz and William E. Still, Attorneys at Law, for Southern Pacific Transportation Company.

Interested Parties: James E. White, for the Department of Parks and Recreation, State of California; and Melvin R. Dykman and Joseph C. Easley, Attorneys at Law, for the Department of Public Works, State of California.

Commission Staff: William L. Oliver.