

ORIGINAL

Decision No. 85165

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Humboldt
acting through its Board of Supervisors,
for an order authorizing the conversion
of a private crossing at grade across
the main line of the Northwestern
Pacific Railroad, being Crossing
No. 5CA-291.44, into a public crossing.

Application No. 54785
(Filed April 4, 1974;
amended September 3, 1974)

John Cook, Deputy County Counsel, and John K. Facey,
for applicant.

Harold S. Lentz, Attorney at Law, for Northwestern
Pacific Railroad Company, interested party.

Stephen Wong, Jr., for the Commission staff.

O P I N I O N

By this application, as amended, the county of Humboldt (County) seeks authority to convert a private crossing at grade across the tracks of the Northwestern Pacific Railroad Company (NWP) to a public crossing. The proposed public crossing is to be identified as Crossing No. 5CA-291.84. Two Standard No. 8 flashing light signals are proposed to protect the crossing.

With the exception of the protection to be installed, NWP and the County agree to the conversion to a public crossing. NWP recommended that the protection should consist of flashing light signals augmented with automatic gates. Due to the difference of opinion as to the protection facilities required, the County requested a public hearing. A public hearing was held before Examiner Tanner at Eureka on July 24, 1975 at which time the matter was submitted for decision.

The supervising engineer of the County's Department of Public Works testified in support of the application. He explained that the road in question was an extension of "I" Street, Arcata, which terminates at a parking area used by Arcata in connection with its boat harbor facility. The County had agreed to furnish an easement or access to the boat harbor facilities.

The engineer testified that a traffic count made during the week of July 14, 1975 indicated 85 to 90 automobiles per day over the crossing. He was uncertain as to the volume of rail traffic. He cited a number of other crossings in the general area having up to 1,000 cars per day, all of which lack automatic protection. He was of the opinion that automatic protection at the proposed public crossing is not warranted. The County thereupon moved to amend the application "...to conform with the witnesses position..." (Tr., page 22). No ruling was made on the motion, but with the concurrence of the parties, the hearing was continued for the purpose of receiving evidence pertaining to the level of automatic protection. It was understood that should the Commission conclude that other than automatic protection should be installed, the matter would be reopened for further hearings.

In support of its position the County cited the relatively low traffic activity at the crossing in question and the existence of public crossings which lack automatic protection while experiencing higher traffic volume. No evidence was offered which would shed light on the question of safety. The motion is denied.

NWP offered evidence through its district superintendent and the public projects engineer of the Signal Office, Southern Pacific Transportation Company. According to the district superintendent, there are a minimum of six trains over the crossing daily,

excluding Sunday. Necessary switching increases the number of train movements from 8 to 12 daily. He pointed out that current business activity is below normal and that normal activity would further increase the train movements to as many as 14 daily.

The engineer testified regarding the physical layout of the track, road, and obstructions. He recommended that the crossing be protected by flashing lights and automatic gates. His recommendation was based on the train traffic activity and the limitations on visibility due to obstructions and the crossing angle. Additionally, he pointed out that installation of gates at the time of initial construction is much less costly than adding gates at a later date.

There is no question that this crossing requires automatic protection; however, the evidence of record is not convincing that automatic gates are required at this time. It is clear that such protection is desirable and the County should seriously consider the potential long-run cost saving of installing automatic gates at the time of initial construction.

After consideration we find:

1. The County should be authorized to convert the private crossing located at the intersection of Arcata Landfill Road and the main line track of NWP, county of Humboldt, to a public crossing.
2. The crossing should be protected by two Standard No. 8 flashing light signals.
3. Costs of constructing the crossing should be borne by the County.
4. Installation and maintenance costs of the automatic protection should be borne by the County.
5. Dimensions, configurations, clearances, and walkways should be substantially in accordance with the plans set forth in the amended application and comply with the applicable rules and general orders of the Commission.

6. It can be seen with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

On the basis of the foregoing findings, we conclude that the application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The county of Humboldt is authorized to convert a private crossing at grade of Landfill Road across the track of the Northwestern Pacific Railroad Company's main line in Humboldt County to a public crossing, to be identified as Crossing No. 5CA-291.84.

2. Minimum protection at the crossing shall be two Standard No. 8 flashing light signals (General Order No. 75-C).

3. Construction of the crossing shall be equal or superior to Standard No. 2 (General Order No. 72-B). Crossing width shall be not less than 24 feet with tops of rails flush with the roadway surface.

4. Clearances shall conform to General Order No. 26-D. Walkways shall conform to General Order No. 118.

5. Construction expense of the crossing and installation cost of the automatic protection shall be borne by the county of Humboldt.


6. Maintenance of the crossing shall be in accordance with General Order No. 72-B. Maintenance cost of the automatic protection shall be borne by the county of Humboldt pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

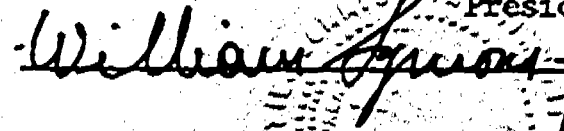
7. Within thirty days after completion pursuant to this order applicant shall so advise the Commission in writing.

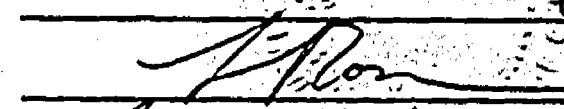
This authorization shall expire if not exercised within one year unless time be extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.


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

Dated at San Francisco, California, this 25th
day of NOVEMBER, 1975.



President





Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.