

ORIGINAL

Decision 89 10 023

OCT 12 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
the Santa Clara County Transit)
District for specified exemptions to)
General Order 26-D related to the)
operations of Historical Streetcars)
on the light rail transit line of)
the Guadalupe Corridor project in)
the City of San Jose, California.)

Application 89-08-014
(Filed August 9, 1989)

OPINION

By this application, Santa Clara County Transit District (SCCTD) requests an exemption from Section 9.2 of Commission General Order 26-D* in order to operate historical streetcars on an extension of the current historic trolley revenue service route.

SCCTD currently operates a nine-mile light rail transit line in the Guadalupe Corridor. The line extends from Convention Center station in downtown City of San Jose to Old Ironsides station in the City of Santa Clara. In downtown San Jose the light rail line operates in the San Jose Transit Mall. The entire Guadalupe corridor Project is a multi-modal transportation facility about 20 miles long. The southern portion now under construction, will extend from the Convention Center station to south San Jose and the IBM business park.

*G.O. 26-D, Section 9.2 provides side clearance standards for street railroad tracks.

SCCTD operates historic trolley service on the downtown San Jose Transit Mall using six rebuilt historical rail vehicles which are described in their application. The service is operated 7 days per week from 11:00 a.m. to 6:00 p.m. on ten minute headways.

By Decision 88-10-052 issued October 26, 1989, the Commission granted SCCTD an exemption from the side clearance provisions of General Order 26-D to operate these historic trolleys on the San Jose Transit Mall but ordered that the trip along North First Street between the Mall and the Younger Street maintenance facility be a deadhead movement without passengers.

Construction of the new South Line will eliminate the turn back and layover point now used by the historic trolleys. In their revised operating plan, SCCTD proposes to perform this turnback and layover function at the Younger Street crossovers.

In the current application, SCCTD requests that the exemption granted by Decision 88-10-052 be expanded to allow an extension of revenue historic trolley operations along North First Street between the Transit Mall and Civic Center Station.

SCCTD is anxious to modify its historic trolley operating plan as soon as possible and has requested that the normal thirty day waiting period be waived as it would result in up to a three month delay due to missing the trolley operators' collective bargaining agreement bid deadline.

The SCCTD Light Rail Transit system is designed and constructed in accordance with the clearance requirements of G.O.143. Side clearance requirements of G.O. 26-D apply when passenger windows are not effectively sealed or barred. Since passenger windows on the SCCTD historical rail vehicles can be opened, a minimum side clearance of 30" (24" to center poles) is required.

SCCTD has conducted a clearance inspection on portions of the line over which historic trolley revenue service will be extended. The results of that inspection are attached to their application.

CPUC Safety Division staff has reviewed the SCCTD inspection results and inspected those locations in the field to confirm the accuracy of measurements taken, assess any potential hazard and to confirm that, where possible, hazard mitigation measures have been taken. In that inspection, one item not covered in SCCTA's inspection was noted. At various locations, tree branches were observed within the thirty inch clearance envelope. SCCTA has agreed to keep these trees trimmed to provide thirty inches of side clearance below the top of trolley windows.

SCCTD has developed a program to eliminate or mitigate these potential hazards. The program includes moving some obstructions to increase side clearances, posting warning signs at some wayside obstructions that could not be moved and posting signs inside each historic rail vehicle warning passengers to keep fully inside the vehicle. Additionally, train operators make periodic safety announcements to reinforce the safety message conveyed by the signs. A listing of the non-conforming clearances, which includes the measures taken, or corrective action, is shown in Appendix A of this decision.

A review of SCCTD accident and injury reports since Decision 88-10-052 was issued indicates that this program has been effective. Staff believes the measures taken by SCCTD have eliminated or satisfactorily mitigated any potential hazards.

Findings of Fact

1. SCCTD operates a public transit system on a fixed guideway which, under Sections 99152 and 100168 of the Public Utilities Code, is subject to regulations of the Commission relating to safety appliances and procedures.
2. SCCTD operates historic trolleys on a portion of this system under an exemption granted by Commission Decision 88-10-052, issued October 26, 1988.
3. SCCTD requests a deviation from the provisions of Section 9.2 of G.O. 26-D in order to extend the historic trolley service along North First Street to Civic Center Station.
4. SCCTD has developed a program to eliminate or mitigate potential hazards posed by side clearances less than those required by Section 9.2 of G.O. 26-D.
5. The Commission Safety Division staff concurs with SCCTD's program to eliminate or mitigate potential hazards, and recommends the exemption be granted.
6. No protests have been filed.
7. A public hearing is not necessary.

Conclusion of Law

1. SCCTD's request for an exemption from Section 9.2 of G.O.26-D should be granted.
2. The order should be effective today because SCCTD is anxious to modify its historic trolley operating plan as soon as possible and the normal thirty day wait could result in a three month delay due to missing the trolley operators' collective bargaining agreement bid deadline.

ORDER

IT IS ORDERED that:

1. Santa Clara County Transit District is granted an exemption from G.O. 26-D, Section 9.2 to operate the historical rail vehicles described in its application as follows:
 - a) As a deadhead movement between the Younger St. Maintenance Center and the Civic Center Station.
 - b) In revenue service from Civic Center station on the North to the San Jose Transit Mall on the South.
2. Santa Clara County Transit District shall establish a maintenance program that includes trimming of vegetation along the route of the historic trolley to insure that branches are kept trimmed to provide thirty (30) inches of side clearance below the top of trolley windows.
3. The application is granted as set forth above.
This order is effective today.
Dated OCT 12 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

- 5 -

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

NO

APPENDIX A
TABLE OF NON-CONFORMING SIDE CLEARANCES

	LOCATION	OBSTRUCTION	WINDOW CLEARANCE	MITIGATION
1	Various	Tree Branches	24"	Trim to 30" below top of trolley windows
2	4 intersections	Signal Poles w/signs	20-22"	Raise signs above window level; Periodic safety announcements; Warning signs in cars
3	S. P. Underpass	Warning Signs	21-24"	Smaller signs installed; Periodic safety announcements; Warning signs in cars
4	3 Stations	Station Canopies	30"+	Canopies are above window level
5	3 Stations	Elderly & Handicapped Lifts	24"	Warning signs on lift; Periodic safety announcements; Warning signs in cars; Operating prepared to stop