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ORIGINAL

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the San Diego Metropolitan Transit Development Board requesting an exemption from certain provisions of General Order 26-D.

Application 82-12-54
(Filed December 20, 1982)

Jack Limber, General Counsel, Roger N. Clark, and Walter P. Quintin, Jr., for Metropolitan Transit Development Board, applicant.
James P. Jones, for United Transportation Union, protestant.
Herman W. Privette and Thomas P. Hunt, for the Commission staff.

O P I N I O N

By this application, San Diego Metropolitan Transit Development Board (MTDB) requests an exemption from railroad side clearances required by Commission General Order 26-D (GO 26-D) in order to erect fences between the tracks of MTDB's San Diego-San Ysidro trolley operation. By this order, the Commission denies MTDB's request because the clearances between the widest railroad cars operated on the line and the proposed fences would range from as little as 17½" to 23½", whereas, in this case, GO 26-D requires a minimum of 37".

A public hearing on the application was held in San Diego May 25, 1983, and the matter was submitted on that date.

Applicant's Operation

MTDB operates an electrically powered 19-mile long trolley system between the Santa Fe train depot in downtown San Diego and San Ysidro which is on the California side of the California-Mexico border near Tijuana, Mexico. During peak hours trolleys operate on

15-minute headways. The system carries about 12,000 passengers per day. The trolley is jointly operated on common trackage with freight trains of the San Diego and Arizona Eastern Railway (SD&AE) over about 13 miles of the southern 14.5 miles of the line.

Applicant's Problem

Within the common operating area are 10 of the 18 passenger stations on the line. At these 10 stations there is, or shortly will be, double track operation; that is, north and southbound trolleys will be on separate tracks. This requires many passengers to cross the tracks to board trolleys or, after alighting from trolleys, get to parking lots or connecting buses. For this purpose, paved walkways are provided which connect the passenger platforms on each side of the double track. However, applicant has observed that, despite platform markings to discourage them, passengers cross the tracks where there is no paved crossing and while the trolley from which they have alighted or they want to board is still stopped at the station, blocking the crossing. At times, because of the 15-minute headway, trolleys operating in the opposite direction may be entering, standing in, or leaving the station. By going around the end of standing trolleys passengers are in jeopardy from crossing in unpaved areas over rock ballast or of being hit by trolleys moving in or out of stations.

Applicant's Proposed Solution

To enhance public safety, applicant proposes to inhibit passenger movement around the ends of trolleys by constructing fences between the tracks in the unpaved areas at each of the ten stations. At one of the two stations where there is no GO 26-D clearance problem, applicant constructed a fence and observes that it has resulted in passengers crossing the tracks at the proper place and time.

GO 26-D requires a minimum side clearance for all structures and obstructions above the top of rail of 8'6" from the

center line (CL) of tangent, standard gauge railroad tracks. The fences proposed would be 3" wide, meaning that the track separation where applicant proposes the fencing would have to be at 17'3" track CL to CL. It is because at five of the stations the CL to CL is 15' and at three others 14' that applicant is requesting an exemption from GO 26-D. Because of right of way restrictions applicant was unable to construct the tracks at the eight locations at the required 17'3" CL to CL.

Applicant called two witnesses at the public hearing in support of the application. The first witness was Roger Clark, MTDB's director of engineering. Clark described the hazardous situation MTDB feels it faces by having passengers freely move back and forth across the tracks at the stations. He stated that in addition to one accident which occurred there have been frequent reports from MTDB personnel of narrow escapes. He outlined the possible alternatives to a fence, such as frequent announcements of the hazards involved, additional signing, moving the tracks apart, and pedestrian overpasses. He stated that passengers ignored all efforts to warn them of the danger and moving the tracks or constructing pedestrian overpasses would be prohibitively expensive.

Clark testified that MTDB was faced with severe right of way and budget limitations when it built the line and, therefore, adapted SD&AE trackage already there wherever possible; also, because it had not anticipated the hazard from passengers crossing the tracks, MTDB built some double tracks at the minimum CL to CL distance or 14' as required by GO 26-D.

Clark said there would be minimal hazard to trainmen of the SD&AE when conducting switching operations because no such operations would be done within the station areas where there would be impaired clearances caused by the fences. Freight train service is generally limited to one train in each direction over the common trackage during the early morning hours when the trolleys do not operate.

As its second witness MTDB called Walter P. Quintin, Jr., a practicing electrical engineer and special advisor to MTDB. Quintin assisted MTDB with the technical details of the application and answered questions of the staff and protestant to the application.

Staff's Position and Showing

The Operations and Safety Section of the Commission's Transportation Division (staff) opposes the application as does the United Transportation Union. Staff called Robert M. Harwood, Jr., an associate transportation operations supervisor, in support of its position. Harwood testified that the 8'6" side clearance for straight track and 9'6" for curved track required by GO 26-D are for the general purpose of protecting trainmen operating or riding on the side of trains. He stated that the standard railroad boxcar is 10'10" wide and, therefore, the 8'6" CL of track to obstructions next to the track clearance results in a 3'1" (8'6" minus $\frac{1}{2}$ of 10'10") clearance between the side of a boxcar and any obstruction. In his opinion this is the minimum clearance required to protect trainmen hanging on the side of boxcars or working alongside of trains. He stated that trainmen have come to expect that much clearance and anything less, such as the clearances requested by MTDB, would create a hazard for freight trainmen. He emphasized that because of the nature of freight train operations, trainmen, at one time or another, will be on the ground at every location over an entire railroad. He stated that 80% of all accidents involving trainmen being struck while on the sides of trains are due to clearances less than that required by GO 26-D.

Harwood was also concerned with the potential danger of a trolley passenger being trapped between a trolley and the fence. Although there would be a greater clearance in that situation, trolley cars being 8'8" wide, trolley passengers would be more apt to panic than experienced trainmen.

Discussion

The following table summarizes the clearances required by GO 26-D and the clearances for freight train and trolley operation if a 3" wide fence is constructed between the tracks at the ten station locations:

	CL to CL	Fence -3"	± 2	$\frac{1}{2}$ Boxcar -5'5"	$\frac{1}{2}$ Trolley -4'4"
GO 26-D			8'6"	3'1"	4'2"
2 Stations*	19'	18'9"	9'4 $\frac{1}{2}$ "	3'11 $\frac{1}{2}$ "	5'2"
5 Stations	15'	14'9"	7'4 $\frac{1}{2}$ "	1'11 $\frac{1}{2}$ "	3'2"
3 Stations	14'	13'9"	6'10 $\frac{1}{2}$ "	1'5 $\frac{1}{2}$ "	2'6 $\frac{1}{2}$ "

*No clearance problem exists.

It can be noted that at the eight stations for which applicant seeks an exemption the clearances range from 17 $\frac{1}{2}$ " to 23 $\frac{1}{2}$ " for boxcars and 30 $\frac{1}{2}$ " to 36 $\frac{1}{2}$ " for trolleys.

The record shows that in the 22 months of trolley operation to the date of this hearing only one injury accident has occurred as a result of passengers improperly moving across tracks. Any accident is regrettable, but it appears that the proposed fences may create new hazards not only to freight trainmen but also to trolley passengers. A clearance of less than 2' is certain to create an additional hazard to trainmen who are used to and expect over 3'. A 2 $\frac{1}{2}$ ' to 3' clearance between the trolleys and the fence is, likewise, an additional hazard for anyone who might venture into that area.

The record in this proceeding indicates to us that MTDB's least cost proposal, as submitted in its request for a deviation from GO 26-D, may increase existing hazards faced by the general public at these stations. This is particularly true in view of the arguably safer alternatives MTDB explored but rejected for economic reasons (Tr. 28). We think it preferable that MTDB explore these avenues further, especially the options of widening the CL of track or constructing pedestrian overpasses.

In our opinion MTDB's present proposal will not serve public safety, convenience, or necessity. Accordingly, we will deny the application

Findings of Fact

1. MTDB is a public transit operation whose safety appliances and procedures are under the jurisdiction of the Commission.

2. MTDB seeks an exemption from GO 26-D side clearances in order to build a fence between its parallel tracks at eight of its stations on its San Diego-San Ysidro trolley line.

3. If the application is granted, impaired clearances between standard railroad cars and the fence would vary from $17\frac{1}{2}$ " to $23\frac{1}{2}$ " compared to the GO 26-D minimum requirement of 37".

4. MTDB has not shown that its proposal, embodied in its application for an exemption from certain provisions of GO 26-D, will further public safety, convenience, or necessity.

Conclusion of Law

The application should be denied.

O R D E R

IT IS ORDERED that Application 82-12-54 is denied.

This order becomes effective 30 days from today.

Dated NOV 2 1985, at San Francisco, California.

LEONARD M. CRIMES, JR.
President

VICTOR CALVO

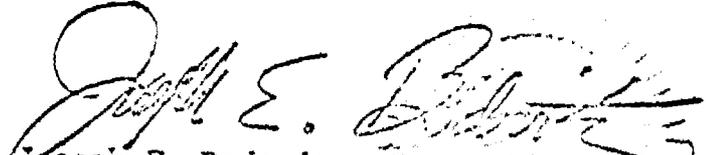
PRISCILLA C. GREW

WILLIAM T. BAGLEY

Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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


Joseph E. Bodovitz, Executive Director