

Decision No. 89345 SEP 5 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety, maintenance, operation, use, and protection or closing of the following crossings at grade of the Southern Pacific Transportation Company's Baldwin Park Branch (BBO) Line in the City of Rialto, San Bernardino County; namely, the crossings of Willow Avenue, Palm Street, Alley between Palm and Orange Streets, Orange Street, Riverside Avenue, Olive Street, Alley between Olive and Date Streets and Date Street.

OII No. 10
(Filed February 7, 1978)

Walter Pudinski and Renato F. Ranoa, for
the City of Rialto, respondent.
William E. Still and Walt A. Steiger,
Attorneys at Law, For Southern Pacific
Transportation Company, respondent.
Robert W. Stich, for the Commission staff.

O P I N I O N

This is an investigation on the Commission's own motion (OII) into the status, safety, maintenance, use, and protection or closing of certain public roads, highways, or alleys which cross the tracks of the Southern Pacific Transportation Company's (SP) Baldwin Park Branch (BBO) Line in the city of Rialto (City), San Bernardino County, as follows:

<u>Crossing No.</u>	<u>Location</u>
BBO-535.88	Willow Avenue
BBO-535.99	Palm Avenue
BBO-536.02-D	Alley between Palm and Orange Avenues
BBO-536.06	Orange Avenue
BBO-536.13	Riverside Avenue
BBO-536.20	Olive Avenue
BBO-536.23-D	Alley between Olive and Date Avenues
BBO-536.27	Date Avenue

The investigation has been instituted by the Commission for the following purposes:

1. To determine whether the public health, safety, and welfare require the relocation, widening, closing, or other alteration of the crossings, or require the installation and maintenance of additional or improved protective devices at the crossings.

2. If any of the above-stated actions is required, the terms under which they shall be accomplished, including a just and reasonable apportionment of the installation and maintenance costs therefor among the affected parties.

3. To enter any other order or orders that may be appropriate in the lawful exercise of the Commission's jurisdiction.

After proper notice, a public hearing was held before Administrative Law Judge Tante on May 23 and 24, 1978 at Rialto, California, and the matter was submitted on the latter date.

Public Statements

Twelve members of the public made statements. None of them denied that the crossing protection at Willow and Riverside Avenues should be improved. All of them were strongly opposed to the closing of Palm, Orange, Olive, and Date Avenues, or any of them, and some were opposed to the closing of the alleys between Palm and Orange Avenues and between Olive and Date Avenues.^{1/} One of the persons who made a statement said that he was a letter carrier who worked in the vicinity of the four streets that were proposed to be closed. He presented a petition signed by 65 persons who requested that the four streets be left open to through traffic and unobstructed public use. He stated that the 65 persons who signed the petition desired that the four streets remain open and in acquiring the signatures on the petition, he encountered only two persons who indicated that they did not desire that the four streets remain open. Three letters were received from members of the public, one of which was signed by

^{1/} Palm, Orange, Olive, and Date were referred to as streets in the OII but are, in fact, avenues.

three people, which expressed the desire that the four streets not be closed. A letter was received from the chief of the fire department of City who also testified at the hearing.

The statements were to the effect that the closing of the four streets would cause considerable inconvenience to many of the residents of the city, many of whom are elderly people who, because of their age, would suffer substantially from such inconvenience; traffic hazards would be created on the four streets in that they are not wide streets and in a few instances, there are no driveways in the front of the houses because the garages are in the alleys; vehicles using these streets at the point of closure would be required to back up in order to gain egress from the streets; police, fire, and paramedic protection would be delayed by closing the four streets; the school bus which picks up children in the vicinity of the four streets would have to be rerouted and would encounter traffic problems; the owners and employees of small businesses on any of the streets to be closed would be inconvenienced; vandalism by juveniles would increase; children on their way home from school would congregate at the barricades and make it difficult for the police to prevent an increase in vandalism; and if the two alleys are closed, the large rubbish collecting trucks would be required to collect rubbish on the streets and then back their trucks to the next cross-street as they would be unable to turn around to have egress from the streets.

The Parties' Contentions

The Commission staff, City, and SP agreed that Willow Avenue Crossing BBO-535.88, should be improved by the installation of two Standard No. 9 automatic gate-type signals (General Order No. 75-C) and that Riverside Avenue Crossing BBO-536.13 should be improved by the installation of four such automatic gate-type signals; that Crossing BBO-536.02-D at the alley

between Palm and Orange Avenues and Crossing BBO-536.23-D at the alley between Olive and Date Avenues should be closed and barricaded; and that one year from the effective date of this order would provide a reasonable time to accomplish the changes.

The improvement at the Riverside and Willow Avenue crossings would make it impossible to continue using the wigwag signals at Palm, Orange, Olive, or Date Avenues (the four streets) unless the electric current providing energy for the wigwag signals is changed from alternating to direct current at a cost of approximately \$50,000. The staff proposed that the crossings at the four streets be closed except that Palm Avenue be left open to pedestrians only, protected by two Standard No. 1-D pedestrian crossing signs. City contended that the crossings should not be closed, but should remain open, as they are, with one wigwag signal at each of such crossings, notwithstanding that the improvement of the protection at Willow and Riverside Avenues would require an additional rewiring expense. SP took no position with respect to the four streets but stated that it would participate in whatever cost was deemed necessary, in accordance with the policy of the Commission.

Two senior transportation engineers testified for the Commission staff; its chief of police, its fire chief, and its director of community services testified for City; and a crossing protection engineer testified for SP.

Exhibit 1, the Commission staff report; Exhibit 2, cul-de-sac requirements; and Exhibit 3, SP's estimate of cost of various proposals relating to the crossings involved herein, were received in evidence.

Description of SP Tracks and Trains

The railroad was originally a part of the former Pacific Electric Railway Company's electrified system. The existing circuitry operating the wigwag signals at the four streets sought to be closed is alternating current electric power. It is a single track over all the crossings involved herein. There is a spur track immediately west of Willow Avenue. Switching is done on demand over Willow Avenue and on occasion, at Palm Avenue. There are no other spurs in the city.

Only one small train consisting of a few cars uses the BBO tracks each day. It operates through the city at five to ten miles per hour in a westerly direction at approximately 6:30 p.m., and returns at the same speed in an easterly direction at approximately 8:00 p.m. While going through the city it constantly sounds a loud whistle to warn of its presence.

The Crossings

Willow Avenue is the most westerly of the streets and Date Avenue is the most easterly of the streets involved. The first street to the west of Willow Avenue which crosses the railroad tracks is Lilac Avenue, and the first such street to the east of Date Avenue is Sycamore Avenue. From west to east the crossings are Palm Avenue, an alley, Orange Avenue, Riverside Avenue, Olive Avenue, an alley, and Date Avenue. The distance between the streets is approximately .07 to .10 mile, for a total of approximately one-half mile from Willow to Sycamore Avenue.

Willow Avenue

Willow Avenue is an arterial highway originating at Highland Avenue on the north to Jurupa Avenue on the south. It is basically one lane in each direction. City's civic center and police department border on Willow Avenue between First

Street and Rialto Avenue. The post office is located on Rialto Avenue at Willow Avenue. Between First Street and Foothill Boulevard the area is basically residential in nature. Since 1968, at the crossing, there have been three accidents, one of which resulted in property damage, and five persons have been injured.

Riverside Avenue

Riverside Avenue is the main north-south arterial highway through the city extending from Devore Street on the north to Riverside County on the south, a distance of many miles. In the city area between Foothill and Rialto Avenues, it is divided by a parkway and has two lanes in each direction in addition to a parking area. South of Second Street, which is just north of the railroad tracks, the area is basically business and commercial. North of Second Street to Foothill Avenue it is residential and commercial. Since 1968, at the crossing, there have been two accidents and two persons have been injured.

Palm Avenue, Orange Avenue,
Olive Avenue, and Date Avenue

Palm, Orange, Olive, and Date Avenues are the four streets which the staff proposes be closed at the points where they intersect with the railroad tracks. Palm Avenue extends between Foothill Boulevard on the north and Allen Street on the south and is one lane in each direction. Between Foothill Boulevard and Second Street there is a junior high school and a senior citizens' center. Between the tracks and First Street, which is south of the tracks, there is a church. The civic center borders on Palm Avenue between First Street and Rialto Avenue and the area east of Palm Avenue is residential. Orange Avenue extends between Foothill Boulevard and Allen Street, is one lane in each direction, and is a residential community.

Olive Avenue extends between Foothill Boulevard and one block south of Rialto Avenue, is one lane in each direction, and is residential in nature. There is a church at Olive Avenue and First Street. Date Avenue extends between Foothill Avenue and one block south of Rialto Avenue, is one lane in each direction and residential in nature. There is a small power substation adjacent to the crossing. The area north of the tracks and bounded by Date and Olive Avenues and Second Street is vacant land. Since 1968 there have been no accidents at any of these four streets where they intersect with the railroad tracks.

The traffic count furnished by the city, supported by that taken by the staff, indicates that the major streets in the north-south corridor of the city are Riverside Avenue and Willow Avenue, which carry about 90 percent of the north and south traffic which crosses the tracks on the streets involved herein. The four streets which the staff recommends be closed have traffic of approximately 1,700 vehicles per day. The following chart (Exhibit G attached to Exhibit 1) gives an indication of the average daily vehicular traffic of the streets involved.

City of Rialto

Avenues Crossing Southern Pacific's
Baldwin Park Branch Line

Motor Vehicle Traffic Count

Time Between	: Willow : Crossing	: Palm : Crossing	: Orange : Crossing	: Riverside : Crossing	: Olive : Crossing	: Date : Crossing
	: 535.88	: 535.99	: 536.06	: 536.13	: 536.20	: 536.27
0700-0800	191	82	22	736	6	8
0800-0900	190	60	19	1,010	10	9
0900-1000	206	62	32	837	10	10
1000-1100	228	88	34	823	12	18
1100-1200	265	88	42	972	16	13
1200-1300	341	108	49	1,016	26	18
1300-1400	266	87	28	1,089	19	15
1400-1500	301	78	40	839	22	14
1500-1600	362	90	32	1,134	17	16
1600-1700	378	73	42	1,267	11	13
1700-1800	376	92	32	1,371	22	25
1800-1900	230	74	17	1,078	7	15
12-Hour Count	3,334 ^(a)	984 ^(b)	389 ^(b)	12,172 ^(a)	179 ^(b)	174 ^(b)
Percentage of 24-Hour Count	85%	113%	92%	76%	91%	144%
24-Hour Count	3,931 ^(a)	869 ^(a)	425 ^(a)	15,912 ^(a)	196 ^(a)	121 ^(a)
Period	4/78	1977	1977	1977	1977	1977

(a) Recorded by City of Rialto.

(b) Recorded by FUC staff April 1978.

The Testimony

Two senior transportation engineers testified for the Commission staff. One of the engineers testified that the closing of the four streets with the reservation of a pedestrian crossing on Palm Avenue would cause a large reduction in cost and reduce the accident hazard possibility. It was stated that even though there have been no accidents at the four streets proposed to be closed during the past ten years, it does not follow that there will be no accidents at these crossings in the future, and it would be much safer to close the crossings. It was stated that the Transportation Division of the Public Utilities Commission administers the statewide programs pertaining to grade crossings and the grade crossing protection and maintenance fund by which the federal government participates in the cost of railroad grade crossing safety. A staff witness testified that it was his opinion that the improvement at Willow and Riverside Avenues, the pedestrian crossing at Palm Avenue, the cost necessary to change the current from alternating current to direct current so that the wigwags at the four streets involved could continue in operation, and the cost of building the cul-de-sacs involved if the four streets were closed, would be paid 90 percent by the grade crossing fund and 10 percent by City. He stated that if the grade crossing protection fund did not participate in payment of the cost of any part of the project, then it is the Commission policy to apportion the cost one-half to City and one-half to SP.^{2/} The cost of maintaining the crossing protection would be borne one-half by City and one-half by SP. The staff testimony was that Willow and Riverside Avenues carry 90 percent of the north and south traffic that proceeds over the tracks on the

^{2/} See City of Los Angeles (1967) 67 CPUC 140, 145; affirmed on rehearing (1967) 67 CPUC 737, 744.

streets involved herein, and the other four streets carry only 10 percent of such traffic. The testimony was that there would be no undue burden on Sycamore, Riverside, or Willow Avenues, or any other street, as a result of the diversion of traffic caused by the closing of the other four. The testimony was that approximately 1,000 vehicles per day would be diverted to Riverside Avenue, approximately 900 vehicles per day to Willow Avenue, and 200 vehicles per day to Sycamore Avenue, thereby adding traffic of approximately 8 percent to Riverside Avenue and 20 percent to Willow Avenue, which would not be a major increase in the traffic on either of these streets.

A staff witness testified that the closing of the four streets will redistribute a small percentage of the downtown traffic to Riverside and Willow Avenues and will reduce the number of locations where vehicles, including emergency vehicles, can cross the railroad. The crossings proposed for closing carry only approximately 2,000 vehicles per day which could easily be distributed to Riverside, Willow, and Sycamore Avenues. The staff testimony was that the inconvenience resulting from the proposed closures would affect to a small extent commercial vehicles, pedestrian bicycle users, motor vehicles, public institutions, and service organizations, but that the inconvenience would be offset by the saving in cost and the reduction of the potential traffic hazard on the four streets involved.

The staff testimony was that the proposed crossing closures would reduce the number of access points available to emergency vehicles. The hospital is located on Riverside Avenue south of the crossing and usage would be primarily on Riverside Avenue. The police department is located at Willow and Rialto Avenues with both fast, convenient access along the north, south, east, and west corridors. The fire department is located at

Rialto and Olive Avenues and has fast, convenient access along the east-west corridor and is only one block from Riverside Avenue. The possibility of a train blocking the crossings to be left open is quite remote due to the infrequent service and the relatively short length of each train.

City's chief of police testified that he is opposed to the closing of the four streets involved and stated that the closing of the streets would establish barriers which would delay police service to the persons in the community, especially to the elderly persons in the city. He stated that when school is not in session there are many juvenile problems and the impairment of mobility of the police by the barriers established by the closing of the streets would make it more difficult for the police to prevent the increase of juvenile law violations and vandalism. He stated that certain people ride motorcycles on or near the area of the railroad tracks and certain young people engage in throwing rocks at the trains, and that the closing of the streets would make it more difficult for the police to prevent these problems from existing or increasing in magnitude. He stated that the vehicles which might have occasion to use these streets close to the railroad tracks would not be able to turn around to proceed in the opposite direction and such vehicles, including large refuse collecting trucks, would cause a traffic hazard and increase the possibility of accidents. He stated that the barricading of the streets would cause the police cars to be delayed in responding to calls in the city, the extent of which would depend upon where the police car was at the time the call was received and where the police car was to proceed to in accordance with the call. He stated that many persons whom his officers may be pursuing would have a better chance to escape by foot across the tracks inasmuch as the police vehicles would be

prevented from pursuing them. He stated that a few minutes, or even a few seconds, sometimes may make a large difference in whether a crime is prevented or a criminal is apprehended.

The fire chief of City testified that he had reviewed Exhibit 1, the Commission staff report, and stated that the recommendation contained therein would have an adverse effect upon the people of the city. He stated that the closing of the four streets would increase the response time, and the efficiency with which his men and equipment could respond to fire calls. He stated that usually one fire truck would approach from one direction and another from the opposite direction in order that the fire trucks might position themselves most advantageously and not interfere with or run over the hoses of the other unit. He stated that if a fire occurred on one of the streets proposed to be closed, it would present a problem for his department, and it would be necessary for his fire trucks and other equipment to back out of the areas involved inasmuch as the trucks and equipment are too large to turn around in the small area that would be available. He stated that fire trucks are heavier and slower than the average automobile and the delay in time for such equipment would be more than for smaller vehicles, thereby increasing the risk of harm by reason of the delay. He stated that it is very difficult to drive and properly place fire equipment on a street that has been barricaded. He stated that in his 14 years with the city fire department there has been one vehicle accident while the vehicle was proceeding forward, but there have been more than 20 accidents when such a vehicle has been proceeding in a backward direction.

The director of community services for City is a registered professional civil engineer. He testified that the street system of the city is designed to meet the needs of the

city in 50 or 100 years, so every effort should be made to retain access and provide a convenient travel pattern for the residents of the city. He stated that he is opposed to the closing of the four streets and believes that the main factor considered by the staff was that the closing of the streets would prevent the expenditure of approximately \$50,000 to change the electric lines and circuitry to provide for the operation of the existing wigwag signals at the four locations. He testified that in the event that the streets are closed there must be a provision for a place to turn around or a cul-de-sac at the ends of the streets in order to provide that vehicles approaching the barricade would be able to turn around and proceed in the opposite direction. He referred to Exhibit 2 and stated that a cul-de-sac must have a radius of 50 feet or a diameter of 100 feet and said that the existing right of way is 50 feet. It will be necessary to acquire an additional 25-foot right-of-way on both sides of each street by the taking of private property for such purpose and the payment of just compensation. He stated that there will be a minimum of four property owners involved for each of eight cul-de-sacs, resulting in considerable expense, and 32 property owners who would be disturbed by City taking their property for a purpose for which they have a serious objection. The street closures will result in a decrease in their property values, a reduction in the response time of fire and police vehicles, and an increase in the travel time and gas consumption which such property owners will be subject to as a result of their having to reroute their movement because of the barricades. He stated that the closing of the four streets involved will adversely affect the daily lives of approximately 400 to 500 residents of City. He stated that on the four streets involved, there have been no accidents during the last ten years and it is not reasonable to believe that there will be any accidents in the future.

The crossing protection engineer, who has been employed by SP for 24 years, prepared the estimates set forth in Exhibit 3. He testified that the cost to install two Standard No. 9 automatic gate-type signals at Willow Avenue and four such signals at Riverside Avenue would be approximately \$144,085 if the other four streets were closed. He stated that if Willow and Riverside Avenues only were to be upgraded in protection as indicated in Exhibit 3, and if the other four streets were to remain open, there would be a cost of approximately \$50,000 to change the wiring and housing from alternating current to direct current so that the wigwag signals at the four other streets would operate and be synchronized with the protection devices at Willow and Riverside Avenues. He stated that the total cost to provide the protection for Willow and Riverside Avenues and continue the wigwags at the other four streets would be approximately \$194,085, or approximately \$50,000 more than the cost of providing the protection at Willow and Riverside Avenues and the pedestrian crossing at Palm Avenue. He stated that it was absolutely necessary to change the circuitry to keep the wigwags in operation under the plan proposed herein and there was no other manner by which this could be accomplished.

Discussion

The increase in protection at the Willow and Riverside crossings and the closing and barricading of the two alleys, as agreed to by the staff, City, and SP, appears to be reasonable and in the public interest.

The closing of the other four streets, except for a pedestrian only crossing at Palm Avenue, would reduce the potential for traffic accidents and eliminate the expense of

approximately \$50,000 to change the wiring and housing to convert the current from alternating current to direct current to continue the operation of the wigwag signals.

The total cost to improve the protection at Willow and Riverside Avenues and leave the other four streets open would be approximately \$144,085 (Exhibit 3) plus \$50,000 for converting the power supply from alternating current to direct current to operate the four wigwags, or \$194,085.

It would be necessary to construct a total of eight cul-de-sacs for the four streets at a cost which would probably exceed \$20,000. Therefore, the cost to close the four streets, as proposed by the staff, would be \$30,000 less than to permit them to remain open.

City and its residents who appeared at the hearing strongly oppose the closing of the four streets notwithstanding that the closing would reduce the possibility of vehicle-train accidents at those crossings. There have been no accidents at any of the four crossings since 1968 so City's contention that the probability of future accidents is slight is not unreasonable.

The closing of the four streets would cause inconvenience to many of City's residents. It would cause delay in responding to emergency calls by its police, fire, and paramedic units. It would cause traffic problems and tend to increase vandalism on the closed streets.

We believe that City's contention that the four streets remain open has merit and its request to permit them to remain open should be granted.

8/17/78

Findings

1. The SP's railroad tracks, originally a part of the former Pacific Electric Company's electrified system, extend through the city of Rialto and traverse certain streets and alleys including those from Willow Avenue on the west to Date Avenue on the east, and Palm, Orange, Riverside, and Olive Avenues from west to east, and two alleys, one between Palm and Orange Avenues and the other between Olive and Date Avenues.

2. There is a single set of tracks over the crossings. There is a spur track west of Willow Avenue and switching is done on demand over Willow Avenue and sometimes at Palm Avenue. A small train consisting of just a few cars proceeds at five to ten miles an hour in a westerly direction in the city at approximately 6:30 p.m. and returns through the city in an easterly direction at approximately 8:00 p.m. During the time the train is in the city and at the crossings involved herein, it sounds a loud whistle as a warning of its approach.

3. Willow Avenue has one lane proceeding in each direction, has an average of approximately 3,334 vehicles traversing the railroad crossing during 7:00 a.m. to 7:00 p.m. each day and 3,931 vehicles traversing the crossing in an average 24-hour period. There have been three accidents resulting in property damage to one vehicle and five persons injured in accidents at the railroad crossing in the last ten years. The parties hereto agree and it is reasonable to require that two Standard No. 9 automatic gate-type signals be installed at the crossing of Willow Avenue and the SP tracks.

4. Riverside Avenue is a main north-south arterial highway through the city and extends a distance of many miles. At and near its crossing with the SP tracks it is divided by a parkway, and contains two lanes proceeding in each direction in addition

to room for vehicle parking. South of the tracks the area is basically business and commercial and north of the tracks the area is a mixture of residential and commercial. The average vehicular traffic on this street at the railroad crossing during the period 7:00 a.m. to 7:00 p.m. is approximately 12,172, and is approximately 15,912 for a 24-hour period. During the last ten years there have been two accidents at this street crossing in which two persons have been injured. The parties agree and it is reasonable to require that four Standard No. 9 automatic gate-type signals be installed on Riverside Avenue where it traverses the SP tracks.

5. The parties agree, it is in the best interest of the public safety and welfare, and it is reasonable to require that the alleys between Palm and Orange Avenues and between Olive and Date Avenues be closed and barricaded at the place where such alleys cross the tracks.

6. The distance between the various streets involved herein is from .07 to .10 of a mile and the total distance between Willow Avenue on the west and Sycamore Avenue, the street which crosses the tracks immediately east of Date Avenue, is approximately one-half mile. The traffic on Palm, Orange, Olive, and Date Avenues is 984, 389, 179, and 174 vehicles per 12-hour period from 7:00 a.m. to 7:00 p.m., respectively. During the past ten years there have been no accidents at the places where these streets cross the tracks.

7. Upon the upgrading of the protection devices at Willow and Riverside Avenues, it is necessary to change the wiring and housing so that the current can be changed from alternating to direct to permit the wigwag signals at Palm, Orange, Olive, and Date Avenues to continue to operate. The cost to make such change is approximately \$50,000.

8. The cost to install two Standard No. 9 automatic gate-type signals at Willow Avenue and four such signals at Riverside Avenue is approximately \$144,085. The cost to make such installation would be \$50,000 less than installing such protection devices at Willow and Riverside Avenues and making the change necessary for the wigwag signals to continue operating at Palm, Orange, Olive, and Date Avenues. In addition, however, if the latter four-named streets were barricaded, considerable expense could be involved in constructing the cul-de-sacs necessary for the use of vehicles at those streets.

9. The residents of the city would be inconvenienced by the closing of Palm, Orange, Olive, and Date Avenues and the mobility of police, fire, and paramedic vehicles would be curtailed causing a delay in responding to emergency calls, and causing a potential increase of unlawful juvenile activity and vandalism in the area where such streets were closed.

10. The public safety and welfare require that within a reasonable time the protection at Willow and Riverside Avenues crossings be upgraded by the installation of two Standard No. 9 automatic gate-type signals at Willow Avenue and four Standard No. 9 automatic gate-type signals at Riverside Avenue.

11. Palm, Orange, Olive, and Date Avenues should not be closed but should remain open and the present wigwag signals on those streets where they traverse the SP tracks should be kept in operation.

12. City should apply for federal funding to provide necessary improvements in the protection at Willow and Riverside Avenues, to convert the current from alternating to direct to continue the wigwags in operation at the other four streets, and to close and barricade the crossings at the alleys between Palm and Orange and between Olive and Date Avenues.

13. If funds are made available for the construction of the project or any part thereof pursuant to Section 203 of the Federal Highway Safety Act or any other applicable provision of law, then the payment of the cost of construction of the project shall be borne as provided by such act or other provision of law. If such funds are not made available for any part of the project by such a provision of law, then the cost of that part of the construction should be borne 50 percent by City and 50 percent by SP.

14. The maintenance cost after the construction of the project as set forth herein should be borne 50 percent by the city and 50 percent by SP.

15. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

We conclude that the following order should be issued.

O R D E R

IT IS ORDERED that:

1. Within one year of the effective date of this order the city of Rialto and the Southern Pacific Transportation Company shall:

- a. Improve the crossing protection at Willow Avenue, Crossing BBO-535.88, by installing two Standard No. 9 automatic gate-type signals (General Order No. 75-C), and improve the crossing protection at Riverside Avenue, Crossing BBO-536.13, by installing four such automatic gate-type signals in the city of Rialto, San Bernardino County.
- b. Close and barricade the crossing at the alley between Palm and Orange Avenues, Crossing BBO-536.02-D, and the crossing at the alley between Olive and Date Avenues, Crossing BBO-536.23-D, in the city of Rialto.

2. The crossings in the city of Rialto at Palm Avenue, Crossing BBO-535.99; Orange Avenue, BBO-536.06; Olive Avenue, BBO-536.20; and Date Avenue, BBO-536.27, shall not be closed but remain open and the wigwag signals now at each of such four crossings shall be continued in operation.

3. If federal funds are available for construction of the several projects or any of them, the cost of the construction of such project or projects shall be borne as provided by the law, rules, and regulations applicable to such federal funding. If federal funding is not available to the city of Rialto, then that city and the Southern Pacific Transportation Company shall bear the costs of installation on a fifty-fifty basis.

4. Dimensions, configurations, clearances, and walkways shall comply with applicable rules and general orders of the Commission.

5. Within thirty days after completion of the project as set forth herein, pursuant to this order, the city of Rialto shall so advise the Commission in writing.

6. Maintenance cost of the automatic protection shall be borne by the parties as provided by Section 1202.2 of the Public Utilities Code.

7. If the city of Rialto and the Southern Pacific Transportation Company enter into an agreement for payment of the expense of the installation of the automatic protection, the continuation of the operation of the wigwag signals at the four streets involved herein and/or the closing and barricading of

the two alleys as set forth herein, a copy of the said agreement shall be filed with the Commission thirty days prior to commencing construction.

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

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1978.

Robert Bateman
President
William J. Guss
James L. Guss
Charles W. Guss
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.