

ALJ/rr/bw

ORIGINAL

Decision No. 92163 'AUG 19 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Central California Traction)
 Company for determination by the Commission)
 of the possible need for installation of)
 automatic warning devices and/or inter-)
 connection with warning devices to be)
 installed at adjacent crossings of the)
 Southern Pacific Transportation Company,)
 at the crossings of applicant at Lodi)
 Avenue and Tokay Street in the City of)
 Lodi.)

Application No. 59387
 (Filed January 17, 1980)

Harold S. Lentz, Attorney at Law, and
K. J. Tinker, for applicant.
Jack L. Ronsko, for the City of Lodi,
 interested party.
Robert W. Stich, for the Commission staff.

O P I N I O N

By Decision No. 91048 dated November 29, 1979 this Commission ordered that the crossings of Southern Pacific Transportation Company's (SP) tracks at Walnut Street and Oak Street in the City of Lodi be closed. That decision also ordered the installation of automatic gates at the crossings of Tokay Street, Lodi Avenue, Pine Street, Elm Street, Locust Street, and Lockford Street.

By this application, Central California Traction Company (CCT)^{1/} a short-line railroad operating in the San Joaquin Valley, requests the Commission to determine the need for automatic warning devices at CCT's crossings at Lodi Avenue and Tokay Street in the City of Lodi and the need for interconnection with the automatic warning devices to be installed at SP's crossings of these streets pursuant to Decision No. 91048. It also requests the apportionment of costs of any improvements ordered.

CCT's main line, consisting of one track, runs east-west on Lodi Avenue to Main Street in the City of Lodi. At Main Street the track diverges with one track leading to the interchange with SP's main north-south line and the other continuing along Main Street and across Tokay Street. The application states that when train moves are made across Tokay Street to serve an industry or across Lodi Avenue to the SP interchange track, such moves are necessarily made at very slow speed. In addition, when the crossings are occupied during these moves, the vehicular traffic on Lodi Avenue backs up on the westerly side of applicant's crossings beyond the SP tracks. It is averred that installation of the automatic gates at the SP crossings as ordered in Decision No. 91048 may create a problem that did not previously exist which could be corrected by the installation of track circuits at CCT's crossings interconnected with the gates of SP at the Lodi Avenue and Tokay Street crossings. These interconnected circuits would activate the automatic gates at the SP crossings thereby restricting vehicular movements toward applicant's tracks, easing the traffic congestion and potential danger.

1/ CCT is owned jointly by SP, The Atchison, Topeka & Santa Fe Railway Company, and The Western Pacific Railroad Company.

Duly noticed public hearing was held at San Francisco on May 13, 1980 before Administrative Law Judge Banks at which time the matter was submitted.

Testifying on behalf of applicant was its general manager and chief operating officer, Kenneth J. Tinker. Tinker stated that the circuit interconnection with the SP crossings protection would provide a smoother and safer flow of vehicular traffic over the city streets while the moves over CCT's tracks are being made. He stated that with the installation of the SP crossings gates, autos could be entrapped on SP's tracks which could be avoided if the interconnection circuit is installed. Tinker introduced six exhibits to show the problems outlined in his testimony. Exhibit 1 is a series of photographs showing the way vehicular traffic backs up on Lodi Avenue when CCT is moving trains over the subject crossings. Exhibits 2 and 3 are aerial photographs of the crossings showing the arc of CCT's tracks as they interchange with the SP tracks. Exhibit 4 is an estimated material cost (\$17,131) to construct the intertie with SP at Tokay Street. Exhibit 5 is an estimated cost (\$20,000) of the intertie at Lodi Avenue. Exhibit 6 is a blueprint of CCT's tracks and shows how they move down Main Street and intertie with SP's north-south tracks.

Tinker explained the train moves as follows: As trains are moved down Lodi Avenue to the interchange at the SP tracks or to the plant served on that track, they come to a complete stop before turning onto Main Street or the interchange track. While the trains are stopped, fuses are then dropped to alert motorists. Only after the traffic has cleared all tracks does the move proceed.

During the entire move flagmen are stationed in the middle of the street to slow or stop traffic. He stated that the moves crossing either Lodi Avenue or Tokay Street take approximately 10-12 minutes. It is this 10-12-minute interval during which traffic is backed up that is the concern of CCT. ✓

Tinker was asked whether it would be better to have only one gate activated at the SP Lodi Avenue crossing to keep vehicular traffic flowing. Tinker stated that he believed that two gates were superior because if people see only one gate down they might assume a malfunction and proceed around the downed gate. It was suggested that perhaps a berm could be placed in the middle of Lodi Avenue at the western side of the SP tracks to deter motorists from going around a downed gate if there is only one gate. Tinker did not reject this suggestion but expressed the opinion that activation of both gates would be superior.

Testifying on behalf of the Commission staff was William Schulte, senior transportation engineer.

Schulte testified that he did not believe any new hazards were created when Decision No. 91048 ordered installation of automatic gates at Tokay Street and Lodi Avenue. He stated that the staff and the railroad had considered the question of the safety of CCT's crossings on several occasions and it was his feeling that under the circumstances the proposal submitted is reasonable and would relieve some of the existing hazards. Schulte testified that he did have reservations about activating both gates at Lodi Avenue raising the possibility of westbound vehicles backing up over the track of CCT that occupies a westbound lane in Lodi Avenue. That would restrict

the ability of vehicles to turn out of the path of an eastbound CCT train or, at the least, slow down the CCT moves and further increase traffic congestion. Under cross-examination Schulte testified that his apprehensions were only general impressions and that no actual traffic counts or time/delay studies had been conducted.

Jack Ronsko stated that the City of Lodi had the same concern as the Commission staff, i.e., the westbound traffic on Lodi Avenue. He stated that because the exact number of cars is unknown, it appears there is a real question of what is really going to happen and which is the better experiment to try.

SP and the staff agree that the situation here is unique and not representative of normal situations. The track and street configurations are such that there are not sufficient clearances to install standard automatic warning devices and even if clearances were available, the number and location of devices required could create problems negating the devices' effectiveness.

As testified to by CCT's witness, the cost of interconnecting CCT's lines with the automatic gates protecting SP's crossings is nominal. The potential danger created by the installation of automatic gates at the SP crossings will be eliminated as will the possibility of entrapping vehicles between the SP crossing and CCT's tracks. Finally, the traffic flow over the city's streets during train moves on CCT's tracks would be much improved. We conclude that CCT's proposal to interconnect its lines with SP's crossings should be granted.

Findings of Fact

1. CCT is a short-line railroad owned equally by The Atchison, Topeka & Santa Fe Railway Company, SP, and The Western Pacific Railroad Company operating in the San Joaquin Valley.

2. By Decision No. 91048 dated November 29, 1979 this Commission ordered that the Walnut Street and Oak Street crossings at SP's tracks in the City of Lodi be closed. That decision also ordered automatic protection to be installed at the crossings at Tokay Street, Lodi Avenue, Pine Street, Elm Street, Locust Street, and Lockford Street.

3. CCT's track runs east-west on Lodi Avenue to approximately Main Street. At this point the track diverges with one leading to the interchange with the SP main north-south line, the other traveling along Main Street and across Tokay Street.

4. Train moves on Lodi Avenue are made at slow speeds which results in vehicular traffic backing up on the westerly side of CCT's crossings.

5. The interconnection of CCT's tracks with the automatic protection to be installed at SP's crossings at Lodi Avenue and Tokay Street would provide a smoother vehicular traffic flow in the City of Lodi and enhance public safety.

6. The estimated cost of interconnecting CCT's tracks with crossing protection at SP's tracks is reasonable.

7. The interconnection authorized herein may be financed by federal funds. The City of Lodi should apply for federal funding to finance the protection authorized.

8. If federal funding is not available, the cost of improving the automatic protection should be borne equally between the City of Lodi and CCT.

9. Timely installation of the herein authorized interconnections is mandated by public safety concerns.

10. One hundred eighty days is a reasonable period within which to install the interconnections.

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

Conclusions of Law

1. Installation of automatic warning devices at CCT's crossings at Lodi Avenue and Tokay Street is not physically possible. Interconnection with the warning devices installed at SP's crossings, as ordered by Decision No. 91048, is possible, however, and would ease vehicular traffic congestion and enhance public safety. The application should be granted.

2. On the basis of the findings, we conclude that the following order should be issued and, in the interest of expediting the public safety measures ordered, made effective the date of signature.

O R D E R

IT IS ORDERED that:

1. The crossing protection at Tokay Street, Crossing 61B-1.8-C, shall be improved to include railroad track circuits interconnected with the protection at the adjacent grade crossing of the Southern Pacific Transportation Company (SP), Crossing D-102.9, also on Tokay Street. The interconnection shall be such that a movement on the Central California Traction Company (CCT) track will activate the automatic gates ordered installed at the SP crossing.

2. The crossing protection at Lodi Avenue, Crossing 61B-1.65, and contiguous crossing of Main Street, Crossing 61B-1.62, shall be improved to include railroad track circuits interconnected with the protection at the adjacent grade crossing of SP, Crossing D-103.1, on Lodi Avenue. The interconnection shall be such that a movement on the CCT-SP interchange track across Lodi Avenue or a movement on the CCT track crossing of Lodi Avenue/Main Street will activate the automatic gates ordered installed at the SP Lodi Avenue crossing.

3. The City of Lodi shall attempt to secure federal funding for the improved protection. If federal funding is not made available, then the City of Lodi and CCT shall bear the costs of installation on a 50/50 basis.

4. Maintenance costs of the protection improvements ordered to be installed at Tokay Street, Crossing 61B-1.8-C, and Lodi Avenue/Main Street, Crossings 61B-1.65/61B-1.62, shall be borne equally by the City of Lodi and CCT pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

5. CCT shall install the ordered protection improvements within one hundred eighty days of the effective date of this order.

6. CCT shall notify the Commission in writing within thirty days after completion of work at each of the crossings.

The effective date of this order is the date hereof.

Dated AUG 19 1980, at San Francisco, California.

John E. Bryan
President

Vernon L. Sturgeon

Clair T. ...
Donald W. ...
Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.