

fd 27

ALJ/nb *

Decision No. 92863 April 7, 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

County of Los Angeles, State of California,)

Complainants,)

vs.)

Southern Pacific Transportation Company, a corporation,)

Defendant.)

Case No. 10575
(Filed May 18, 1978)

(For appearances see Decision No. 91847.)

OPINION FOLLOWING LIMITED REHEARING

This is a complaint in which the County of Los Angeles (County) and the State Department of Transportation (Caltrans) seek an order of the Commission directing Southern Pacific Transportation Company (SP) to operate a commuter passenger train service between Los Angeles and Oxnard.^{1/} Decision No. 90018 issued February 27, 1979 denied SP's motion to dismiss on jurisdictional grounds. Decision No. 90417 dated June 5, 1979 denied SP's petition for rehearing of Decision No. 90018.

Following public hearing, the Commission issued Decision No. 91847 on June 30, 1980. That decision ordered as follows:

1. Within thirty days after the effective date hereof, the State of California Department of Transportation (Caltrans) shall submit to Southern Pacific Transportation Company (SP) and file with this Commission locations, plans, and specifications for station platforms and parking facilities.

^{1/} By Decision No. 92862 issued April 7, 1981, the County of Los Angeles was dismissed as a complainant.

2. Within ninety days after receipt of the plans and specifications provided for in Ordering Paragraph 1 hereof, SP shall construct the platforms and parking facilities in accordance with said plans and specifications and shall, upon ten days' notice to the Commission and the public, commence operations of two commuter passenger trains between Los Angeles and Oxnard with intermediate stops at Camarillo, Moorpark, Santa Susana (Simi Valley), Chatsworth, Northridge, Panorama, Airport, Burbank, and Glendale. Said service shall be provided subject to the condition that Caltrans shall subsidize deficits resulting from such operation.
3. SP shall operate the rail service provided for in Ordering Paragraph 2 hereof between the hours of 6 a.m. and 8 a.m. and between 4 p.m. and 6 p.m. daily, Monday through Friday, holidays excepted.
4. Within thirty days prior to the commencement of service by SP, complainants shall establish to the Commission's satisfaction that:
 - a. Two consists of eight rail passenger cars each are available and ready to be used in service.
 - b. Arrangements have been made for the maintenance of rail cars and for the sale of tickets.
 - c. An escrow account has been established containing deposits of \$1.3 million for the purpose of constructing station platforms and parking facilities and a deposit of at least one-half of the estimated cost of first-year operations as set forth in Exhibit 9.
5. Within one hundred eighty days after the effective date hereof SP, Caltrans, and the County of Los Angeles shall negotiate and submit to this Commission for its approval an agreement relating to the equipment and facilities to be used in providing said commuter service and the method to be applied in subsidizing deficits that may result therefrom.

6. During the period of negotiations funds deposited in the escrow account provided for in Ordering Paragraph 4(c) hereof, shall be used for the purpose of inaugurating and maintaining the commuter service. When an agreement has been reached and actual costs have been determined adjustments will be made accordingly.
7. Within sixty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, SP shall amend its tariffs and timetables on file with the Commission to reflect the service herein authorized and ordered.
8. The petition for a proposed report as well as the motions to set aside submission for the receiving of surrebuttal evidence and the motion for a protective order that a "HY-Rail" tour need not be provided are denied.

SP filed a petition for rehearing of Decision No. 91847.^{2/} Decision No. 92230 issued September 3, 1980 modified the discussion, Findings of Fact, and Conclusions of Law set forth in Decision No. 91847 and ordered that Case No. 10575 be reopened for the following purposes:

1. Exhibits 114, 115, 116, 117, 118 and 126 shall be admitted into evidence. Complainants shall have the right to cross-examine the witnesses whose prepared testimony is contained therein. Pursuant to Rule 57 of the Commission's Rules of Procedure, complainants shall also have the right to close the proceedings through presentation of a sur-surrebuttal case. No further exhibits or witnesses shall be submitted or tendered by defendant.
2. Complainants are hereby directed to present substantial evidence of a reasonable solution to the problem of delays incurred by the afternoon commuter trains due to the arrival of the Amtrak "Coast Starlight". Such evidence

^{2/} Greyhound Lines, Inc. also filed a petition for rehearing of Decision No. 91847, which was denied in Decision No. 92230.

may, but need not necessarily, consist of an agreement with Amtrak for rescheduling the Amtrak train to avoid delays to the afternoon commuter trains.

3. Complainants are hereby directed to present evidence of an agreement with Amtrak regarding servicing and maintenance of the passenger cars.
4. Defendant is hereby put on notice that the Commission stands unimpressed with its insistent efforts to magnify minor operational problems into insurmountable obstacles. The Administrative Law Judge shall have discretion to limit proceedings regarding Exhibits 114-118 and 126 to such major issues of service feasibility as he finds consistent with fairness to all parties.
5. We have carefully reexamined each and every exhibit (Nos. 111-126) offered by Greyhound and SP as part of SP's surrebuttal presentation. In view of the modification of Decision No. 91847 which follows, Exhibits 111 and 112 shall not be admitted into evidence. Exhibits 113 and 119-125 shall not be admitted into evidence, as they are argumentative, repetitive, and merely cumulative of SP's case in chief and Exhibits 114-118 and 126. Except as specifically granted herein, the petitions to set aside submission are denied.

Following a prehearing conference on October 7, 1980, at which the order of presentation of evidence and hearing dates were determined, further hearing, as ordered in Decision No. 92230, was held before Administrative Law Judge Mallory in San Francisco on October 14 and 15 and November 17 and 18, 1980. The matter was again submitted on the receipt of proposed findings of fact and conclusions of law by complainant, defendant, and our staff on December 22, 1980.

Background

The service proposed by Caltrans is the operation of two commuter passenger trains during the morning from Oxnard to Los Angeles, and two passenger trains from Los Angeles to Oxnard in the evening, five days weekly (Monday through Friday). SP's Oxnard-Los Angeles line is a part of SP's coast main line. It is a single track for the greater portion of its length. Amtrak operates passenger service over that route, and its operations southbound (eastbound) in the evening will coincide with the northbound (westbound) commuter train operations. SP operates local and interdivision freight trains over the route. Two major freight yards (GEMCO and Taylor) are located on the route. At times the Oxnard-Los Angeles main line adjacent to those yards is used in making up freight trains. That use would need to be discontinued during the period that commuter trains operate, as would the use of the main line for freight train movements.

It is SP's contention throughout this proceeding that the commuter train operations will usurp its Oxnard-Los Angeles main line to such an extent that its freight train operations will be seriously impeded and that the operation of two first-class passenger trains in opposite directions, at the same time, on the single-track line, will result in safety hazards and operational problems.

SP's Exhibits 114-118, and 126 contain surrebuttal testimony addressing the asserted operational, scheduling, and safety problems described in the preceding paragraph.

Sur-surrebuttal testimony was presented by complainant, which consisted of five exhibits, including the prepared testimony of Witness Brophy (Exhibit 134), an Agreement of Intent between Caltrans and Amtrak (Exhibit 135), an amended schedule for evening commuter trains designed to reduce conflicts with Amtrak trains

(Exhibit 136), a further amended schedule for evening commuter trains (Exhibit 137), and a letter from Amtrak indicating its willingness to maintain the El Camino-type cars of County (Exhibit 143).

Proposed findings of fact and conclusions of law were submitted by complainant, defendant and our staff. The findings and conclusions in Decision No. 91847 and the parties' proposed or new amended findings and conclusions are discussed below.

In Decision No. 91847 we decided three broad categories of issues: (1) whether we have jurisdiction to require SP to provide the proposed commuter service; (2) whether the proposed commuter service is required by public convenience and necessity; and (3) whether a rail service would be feasible under existing conditions.

Categories (1) and (2) are not in issue in the reopened proceeding. Findings 1 through 14 of Decision No. 91847 deal with the issues of jurisdiction (Category 1) and public convenience and necessity (Category 2). Findings 15 through 33 deal with the issue of whether a rail passenger service would be feasible under existing conditions; these are the matters on which further evidence was presented. ✓

No changes were proposed in Findings 1 through 11 by any of the parties. Proposed Findings 12 and 14 of the staff iterate the current findings concerning public convenience and necessity and the need of complainant and defendant to engage in negotiations leading to an agreement to render the service. Those findings were not in issue in the limited rehearing. No further discussion or changes in Findings 12 and 14 are necessary.

Defendant's Surrebuttal Showing

SP's position is that the key findings of Decision No. 91847 dealing with operations of commuter and freight services were based on the surrebuttal testimony of complainant's witnesses Brophy and King, to which SP did not have an opportunity to respond.^{3/} The rehearing granted in Decision No. 92230 permitted SP to present surrebuttal exhibits responding to complainant's rebuttal showing.

Exhibit 114. Witness Giles

The witness identified in his exhibit a number of problems which he believes would prevent the successful operation of the commuter service, as follows:

1. Passenger train operations off the main line for extended periods of time during which operating personnel would be idle.
2. Less time would be available for freight train crews to complete their work.
3. There is a lack of sufficient track space at Oxnard to store two commuter trains overnight.
4. There are no facilities at Oxnard for cleaning and servicing commuter equipment.
5. There will be difficulty replacing temporarily all crew members at Oxnard.
6. There is an absence of parking facilities at Oxnard for crew and servicing personnel.
7. SP does not have experienced supervisory personnel to operate a commuter service on the Oxnard-Los Angeles segment.
8. SP will encounter scheduling difficulties if Oxnard is used as a crew base instead of Los Angeles.

3/ Findings 15, 16, 18, 19, 21, and 25 of Decision No. 91847 are the key findings which collectively state (a) that the proposed commuter trains can be operated with no significant adverse effect upon SP's freight service; (b) that certain changes in yard and siding facilities should be made in the interests of improving efficiency; (c) that if these were done, any operational problems could be resolved, and (d) that the passenger cars proposed by complainant are in excellent condition and more than adequate for the proposed service.

Exhibit 115, Witness Baumhefner

The witness explained freight train operating difficulties that he perceived would result if commuter service is operated. He pointed out specific points of disagreement with the testimony of complainant's principal operating witness, Mr. Brophy.

Witness Baumhefner concluded there is no way to operate GEMCO Yard other than the way it was operated during the fall of 1979. The operation of the commuter trains would interfere with the makeup of the outbound automobile trains, the delivery of "hot" auto parts cars to GEMCO, and the operation of local and through freights in the GEMCO Yard vicinity. Witness Baumhefner also sees the need for additional lighting and/or parking facilities at several locations.

Exhibit 116, Witness Thruston

Witness Thruston testified that freight volumes on the Coast Line are increasing and expected to continue to grow and that there is no possible way to handle the proposed commuter trains in conjunction with the existing freight traffic on the line. He also stated that traffic levels at Taylor Yard have not been reduced to any measurable extent by the opening of West Colton Yard although it has reduced some of the traffic in the satellite yards and to and from the satellite yards. Witness Thruston further testified that SP does not have any steam generator locomotives suitable for use in the proposed commuter service and to equip all of SP's freight fleet with steam generator equipment would cost in excess of \$50,000,000. Operation of the commuter trains would, in Witness Thruston's opinion impair the ability of SP to adequately maintain its present level of Amtrak and freight services.

Exhibit 117, Witness Garrett

Witness Garrett states that he disagrees with the testimony and conclusions of complainant's Witness Brophy because Brophy

viewed Taylor Yard at a time of reduced activity. He further states that yarding through trains for crew changes would not increase the flexibility of Taylor Yard. The witness foresees problems in operating the proposed passenger trains past Mission Tower. Witness Garrett states that Brophy identified only one-fourth of the conflicting movements that will be caused by the operation of the passenger trains. Industrial switching between Taylor Yard and Burbank Junction on the double-track segment will be interfered with by the operation of the commuter trains to a greater extent than Brophy anticipates because contrary to Brophy's assumption, the local switchers cannot cross from one double-track segment to the other to clear the passenger trains.

Exhibit 118, Witness Owen

Witness Owen determined that the proposed schedule for the commuter trains set forth in Decision No. 91847 is unworkable and calculated that a reasonable schedule would be 120 minutes eastbound and 128 minutes westbound. Witness Owen further testified that he performed an analysis of the interference that the passenger trains would cause with SP's existing freight operations and that in so doing he adjusted existing schedules and services to create the best fit, minimizing the impact of the passenger trains. He constructed what he considered to be a typical day's operation on the railroad and the typical interference to freight operations that would arise from the creation of the proposed commuter trains. Witness Owen conducted a further analysis involving expected interference with Amtrak's Train No. 12 and the afternoon commuter trains. He believes that the operation of the afternoon commuter trains would have a substantial adverse effect on the performance of Amtrak Train No. 12. He projects that 50 percent of the Amtrak trains will be delayed an average of 15 minutes per trip as a result of the operation of the commuter trains. In addition to the initial interference and delays

identified, there would be secondary delays which could be expected to occur due to the lack of flexibility in the existing SP plant. Moreover, Amtrak has plans to expand passenger service on this line thus increasing the anticipated congestion.

The witness testified that if there were additional traffic on the line and increased congestion this could adversely affect the operation of the commuter trains. Witness Owen disagrees with Witness Brophy's conclusion that the introduction of additional passenger trains would strengthen SP's operation by requiring the imposition of more stringent operating practices on the line.

Exhibit 126, Witness Jochner

Witness Jochner anticipated that the proposed commuter coaches will be inappropriate because: (1) the vestibule doors present operational problems; (2) the heating and cooling systems may be difficult to maintain; (3) some of the equipment may not have ticket clips; (4) the food service cars may be inappropriate for commuter services; (5) the seat configuration may not be optimal; and (6) there may be problems with cleaning and maintaining the equipment. Also, there will be problems arising from inadequate station shelters, information systems at stations, and ticket selling by banks.

The witness also predicted the loss of incentive payments by Amtrak to SP if commuter trains create substantial delays to Amtrak trains.

Complainant's Sur-surrebuttal Evidence

Complainant's sur-surrebuttal evidence consists of five exhibits: (a) the verified statement of Witness Brophy (Exhibit 134); (b) an "Agreement of Intent" between Caltrans and Amtrak (Exhibit 135); (c) a motion requesting a revised schedule for the afternoon commuter

trains (Exhibit 137); and (d) a letter from Amtrak indicating a willingness to maintain the El Camino Cars (Exhibit 143).

Exhibit 136, Witness Brophy

Witness Brophy addressed various specific issues in response to the decision granting rehearing and to the specific evidence presented in SP's surrebuttal. Witness Brophy noted that the calculations by SP's Witness Owen of the proposed commuter schedules are suspect because Owen used an incorrect weight for the trains, made no study of station dwell times, and failed to address the passenger-freight train conflict so as to mesh the operations and eliminate the problems. The witness testified that the modified schedule requested by complainant purportedly eliminates the conflict problem with Amtrak Train No. 12 and simultaneously eliminates the additional eight-minute delay to the commuter trains assigned by SP Witness Owen.

Witness Brophy examined facilities at Oxnard and found ample track space available for the storage of the commuter equipment overnight at that location. His inspection showed that there was an electric cable laid immediately alongside the House Track No. 4104 and that there was a track at Oxnard where locomotives could be fueled and serviced. In response to SP's concern that there would be a problem with crewmen for the commuter trains suddenly taking ill with no replacements available at Oxnard, the witness' investigation showed that during September 1980, for the two assignments worked in Oxnard, there were only six days out of the 30 in the month when an individual trainman had to be replaced at Oxnard and in all cases the trainman had laid off at least eight hours prior to his next scheduled duty time. The same was true for engineers. The witness concluded that the records showed there was no problem with Oxnard crews suddenly taking ill (Exhibit 134

pp. 8-9). He also pointed out that supervisory personnel could be used in the unlikely event a crew member became suddenly ill.

Witness Brophy examined the rail operations at GEMCO Yard and Taylor Yard on four separate occasions in September and October 1979 and April and October 1980. On none of these occasions have these yards been operating at capacity.

Witness Brophy believes that operation of the proposed commuter service could be accomplished with virtually no impact on existing freight operations simply by modifying existing freight operating practices so as to keep the main line clear for the passenger operation. He determined that the window required for the passenger operation would be 33 minutes in the morning and 45 minutes in the afternoon. He pointed out that the difference between his count of conflicting train movements at Taylor Yard and that of SP's Witness Garrett, is that Garrett counted light engine moves as well as actual train movements. He noted that SP's concern about local freight crews working overtime due to interference from the proposed passenger trains could be alleviated by simply adjusting the duty time of the local switchers.

The witness concluded that the passenger trains can be accommodated in the same manner that seasonal increases in freight traffic are accommodated.

Agreement of Intent, Exhibit 135

This agreement between Amtrak and Caltrans commits Amtrak to lease to Caltrans up to 16 rail-passenger cars for use in the proposed commuter service. It also gives Caltrans the right to lease up to five SDP40 locomotives for the proposed service. Amtrak agrees to maintain the equipment which Caltrans uses in this service including the El Camino cars. Amtrak and Caltrans agree to joint usage of the station facilities at LAUPT, Glendale, and

Oxnard. Amtrak will provide such additional personnel as may be required to provide these functions for Caltrans.

Schedule Modifications, Exhibits 136 and 137

The schedule requested by complainant in Exhibit 136, as modified by Exhibit 137, assertedly alleviates the conflict with Amtrak Train No. 12 and the afternoon commuter train schedules by establishing positive meets for these trains, using the standard procedure for meeting passenger trains throughout the country for the past 100 years.

Discussion

The Commission's order granting rehearing limited the scope of the evidence to be received on rehearing to certain specific issues. SP was permitted to introduce testimony of its operating witnesses addressing specific operating problems. Complainant responded to that evidence. Complainant also was directed to present evidence of an ability to resolve certain expected requirements for the service. This discussion will focus on those specific issues.

The thrust of SP's surrebuttal testimony was directed to the problems associated with the imposition of the new commuter train operating on top of the existing freight train operations.

It is SP's overriding contention that it cannot rearrange its freight operations to accommodate the proposed commuter train operations without causing long periods of delays and disruptions to its freight service. SP also strongly contends that westbound evening commuter operations will conflict with the eastbound Amtrak operations; that Amtrak service should take precedence over the commuter service; and that serious delays to either the Amtrak service or the commuter service will occur, depending on which is the primary service.

Of far lesser importance are the many relatively minor operational problems described by SP in its surrebuttal testimony. Those problems appear to be readily solved with the cooperation of SP and with minor changes in the operational plans proposed by complainant.

Interference with Freight Service

SP attempted to disprove the rebuttal testimony of complainant's principal operating witness relied upon by the Commission in Decision No. 91847. SP attempted to rehabilitate its interference studies which assertedly showed that serious interference with its freight operations would result from the operations of the commuter trains; that its yard operations are efficient and that at various times its main line must be used to make up freight trains; and that the interference would impose added costs upon SP and would inconvenience its freight shippers. Much of such testimony iterated or amplified testimony described in and considered in Decision No. 91847.

There are major disagreements between SP and complainant with respect to the time windows during which freight train operations on the main line must close while commuter operations are performed. Complainant's witness estimates a window of 33 minutes in the morning and 45 minutes in the evening. SP's witness estimates a window of 2 hours in the morning and 2 hours in the evening. The estimates of delays to "hot" cars of auto parts, to through freight trains, and extra crew salaries and car-delay costs are related to these windows.

Some delays to freight service inevitably will occur, as measured by either window. We do not accept SP's window because we believe that its estimate is based on a "worst case" analysis, wherein little effort would be made to adjust freight operations to accommodate commuter operations. On the other hand, complainant's window

presents the best possible case, and ignores some of the operational problems described in SP's testimony. A thorough review of the evidence again convinces us that, on balance, the present Oxnard-Los Angeles line is adequate to accommodate the commuter service and SP's existing freight service.

However, if additional freight or Amtrak service burdens the line, improvements in yards, sidings, and traffic controls probably will be necessary, even in the absence of commuter service. Finding 30 of our original decision stated that SP should not be reimbursed for delays to its freight operations. We reiterate that finding, while keeping in mind the import of the discussion on page 65 (mimeo.) of Decision No. 91847 on which Finding 30 is based. We recognize that other possible steps should now be explored to minimize delays which cannot be eliminated by reasonable operating changes or innovations. The corrective actions which may need to be taken are to: (a) double-track the single-track portion of the Oxnard-Los Angeles line; (b) install centralized traffic control (CTC); and (c) install additional side tracks, improve yard facilities, or lengthen existing side tracks.

The high cost of double-tracking the line makes it an unacceptable solution to the problem. It should only be considered as a last resort.

Installing CTC, while expensive, is less costly than double-tracking. CTC not only would help reduce delays to freight operations, but would materially reduce the problems associated with timetable meets of Amtrak and commuter trains as hereinafter discussed. We are not prepared to direct installation of CTC at this time. We wish to review the performance of commuter and freight services for a reasonable time under actual operating conditions. If, after a reasonable period of operations, circumstances disclose that CTC may be essential, we will consider that issue in a subsequent proceeding.

In the absence of CTC or double-tracking, additional side tracks may need to be installed or made available to minimize delays to freight trains and to ease the problems of meets between Amtrak and commuter trains. An additional side track may need to be made available as indicated in Finding 16 (Hewitt siding). Other sidings may need to be constructed along the single-track portion of the line to permit the passing of the commuter and the Amtrak trains without unnecessarily delaying either. We will not now order construction of new sidings at specific locations as a contingency to beginning the commuter operations, but will consider the issue at a later time after actual commuter operations have begun, if reasonable operational changes and innovations do not alleviate interference or delays.

Finding 16 refers to side tracks and to the use of radio to facilitate meets between commuter trains and inferior trains. The record shows that the use of radio to issue train orders is not a practical solution for minimizing delays. Finding of Fact 16 should be amended to read as follows:

16. A major portion of the SP coastline track facilities between Los Angeles and Oxnard is single track with side tracks at four locations. Additional side tracks would greatly facilitate the movement of commuter trains and minimize delays to both passenger and freight trains. Hewitt siding should be returned to operation. Hewitt siding is not required to maintain fluid operations at GEMCO Yard. The use of radio to issue train orders is not a practical solution for minimizing delays to inferior trains.

Based on the foregoing discussion, we will modify Finding of Fact 17 to read as follows:

17. SP's interference study is a "worst case" analysis of the train conflicts which would result if the proposed commuter service is authorized. It shows a two-hour window in the morning and evening during which time freight operations must cease on the main line while the commuter trains operate. Complainant's similar analysis presents the most favorable possible operations, and ignores some of the inevitable conflicts which will arise. Complainant's study shows a thirty-three minute window in the morning and a forty-five minute window in the evening when freight trains must cease operations on the main line because of the commuter operations. Under either analysis, some delays to freight service will occur, but, on balance, the existing line is capable of accommodating both the commuter service and freight service.

The record in the rehearing phase shows that activity at GEMCO has declined because of the reduction in traffic at the General Motors plant as a result of slowing of the sale of new automobiles. The record also shows that the makeup and storage of freight trains adjacent to GEMCO Yard can be accomplished by extending an auxiliary track within GEMCO to accommodate freight trains two miles in length. The main line would clear and would not be used for that purpose. Finding of Fact 18 should be modified to reflect these changes, as follows:

18. SP's GEMCO and Taylor Yards pose a potential problem for conflicts with the proposed commuter trains, but a major contributing factor is SP's practice of making up trains on the

main tracks adjacent to both yards. Traffic has decreased at GEMCO Yard in the period between the initial hearing and the date of rehearing because of reduction of traffic at the General Motors plant. Better utilization of GEMCO Yard facilities and less interference with the main line operations can be achieved by construction of a two-mile-long ancillary track within GEMCO Yard. More efficient yard operations, and stricter discipline in the calling and operation of freight trains would minimize possible delays to passenger and freight trains because of conflicts.

Schedule Conflict with Amtrak Train No. 12

The Commission's order granting rehearing directed complainant to present substantial evidence of a reasonable solution to the problems of delays incurred by the afternoon commuter trains due to the arrival of the Amtrak "Coast Starlight".^{4/}

Complainant attempted to meet that directive by revising the westbound commuter schedules (Exhibit 139) so that the first evening train (No. 301) meets Amtrak No. 12 at Moorpark and the second train (No. 303) meets Amtrak No. 12 at Santa Susana. In order to facilitate timetable meets, complainant suggests that Amtrak No. 12's schedule be revised between Oxnard and Los Angeles (there would be no change at Oxnard or Los Angeles).

In its testimony, SP disputed the ability of the commuter trains to meet the schedules proposed by complainant. SP's evidence was designed to show that actual station dwell times are greater than those incorporated into complainant's schedule, and that serious delays will occur when Amtrak No. 12 is late or early and scheduled meets cannot take place. SP's estimate of station dwell times assertedly takes into consideration its experience operating

^{4/} Ordering Paragraph 2 of Decision No. 92230.

commuter trains on the San Francisco peninsula, the difficulties in boarding or alighting from the Amtrak cars which have narrow doors and steps at other than platform heights, and the need for brakemen to manually open and close car doors. SP compared the rapid operation of automatic center double doors on its bilevel cars used on its peninsula operations with the manually operated doors at either end of the Amtrak cars.

The greatest problem foreseen by SP concerns the delays resulting when Amtrak No. 12 is not on time. SP presented evidence to show that the time schedule for that train provides extra time in the last leg of its run from Oxnard to Los Angeles to make up for earlier delays. SP showed that Amtrak No. 12 was late at Oxnard 60 percent of the time, and that even with the added schedule time, that train was also often late at Los Angeles.

SP assumed that Amtrak No. 12 would take precedence over the commuter trains, and that the commuter trains would be sidetracked if timetable meets cannot be accomplished. SP points out that there are a limited number of sidings available for the commuter train to use while it waits for Amtrak No. 12 to clear. SP also pointed out it is penalized under its contract with Amtrak for late operations. It argued that because of that penalty provision it must give precedence to the Amtrak train over the commuter trains.

It is complainant's position that when two first-class trains are involved (such as here) the westbound train takes precedence over the eastbound train under standard railroad operating rules. Therefore, under the operating rules, Amtrak No. 12 should be sidetracked rather than the commuter trains whenever timetable meets cannot be accomplished.

It is not our purpose to resolve in this order which train has precedence in the event of a failed timetable meet. However, we recognize that Amtrak No. 12 has had a very poor on-time performance, which makes it probable that scheduled timetable meets of Amtrak No. 12 and the commuter trains will be the exception

rather than the rule. We also recognize that there are limited side tracks available in the area between Chatsworth and Oxnard where the delays will occur. We have discussed above the fact that CTC could mitigate some of the freight train delays. Installation of an interlock CTC system between Chatsworth and Oxnard would materially facilitate the meets of the two first-class trains. As heretofore indicated, we will explore whether CTC or additional sidings are needed based on the experience gained through actual operations. Preliminary to that review we expect SP and Caltrans to make schedule adjustments during the initial period of operations that will reduce delays to the maximum degree possible.

Based on the foregoing discussion, Finding of Fact 19 should be revised to read as follows:

19. The proposed rail commuter service is feasible. Initially certain operational problems will be experienced but these can and should be resolved following a reasonable period for operational and public adjustment. After that adjustment period we will review the operational problems with a view to ordering CTC, new sidings, or other means of avoiding conflicts, should those measures be needed.

Locomotives

Finding 20 of Decision No. 91847 provides that SP shall furnish locomotives to operate the commuter service. Subparagraphs (a) and (b) of Ordering Paragraph 4 require Caltrans to establish to the Commission's satisfaction that it has sufficient passenger cars to provide the service and that arrangements have been made for equipment maintenance and ticket sales. Caltrans and Amtrak have reached an agreement that Amtrak will supply the passenger cars and locomotives necessary to provide the proposed service and that Amtrak will maintain and service that equipment. Amtrak also will handle ticket sales for Caltrans.

Finding of Fact 20 should be amended to read as follows:

20. Caltrans has established to the Commission's satisfaction that:

- a. It has two consists of eight rail passenger cars and sufficient locomotives available and ready to be used in the proposed service;
- b. Arrangements have been made for the maintenance of passenger cars and locomotives and for sale of tickets.

Ordering Paragraphs 4(a) and 4(b) of Decision No. 91847 have been complied with and should be deleted.

Finding 25 should be deleted inasmuch as it is moot since Amtrak has agreed to furnish the passenger cars to be used in the proposed service.

Commuter Operating Schedule

SP challenges the 1-hour and 30-minute schedules proposed by Caltrans. SP asserts that at least 2 hours eastbound, 2 hours and 8 minutes westbound must be allowed for a realistic schedule for commuter trains. SP bases this on its contention that additional time is necessary on its estimates that station dwell time is understated, and that insufficient time is allowed for acceleration and deceleration of the heavy conventional rail equipment. SP states that the low-density single-vestibule cars will require more time for loading and unloading. The SP witness would increase station dwell times at low-volume stations by one-half minute and by two minutes at high-volume stations. The witness also made an extra allowance of 3 minutes per schedule for sawing by nonclearing freight trains. He also added a standard 5 percent recovery for ordering random delays. Eight additional minutes were added to the westbound schedule to allow for meeting Amtrak.

As indicated in the testimony of the witnesses for Caltrans and SP, the schedule times proposed by them are based on their informed judgment. Caltrans' witness presented a schedule that reflects the most optimistic operating conditions. SP's assumptions are that delays will be encountered daily, and those delays are built into its schedule. Again, only after actual operations are commenced and some experience is gained can an accurate and realistic schedule be developed.

Delays can and will be minimized through timetable meets of the commuter trains and Amtrak No. 12. Finding 35 should be added to clearly indicate to the parties that it is essential that commuter-train schedule adjustments be made as often as necessary in order to facilitate timetable meets of the commuter trains with Amtrak No. 12.

35. The adjustment of the afternoon commuter schedules to create timetable meets with Amtrak Train No. 12 will minimize delays.

Service of Equipment and
Crew Assignments at Oxnard

SP contends that it has no facilities at Oxnard at which to store or service the two commuter trains, nor any personnel at Oxnard to service the trains. SP also contends that as its nearest extra board for enginemen, conductors, and brakemen is located at Los Angeles, it will have difficulty supplying temporary crew replacements on morning runs from Oxnard.

Caltrans urges that certain tracks at Oxnard that are not now in use or are seldom used can be made available by SP; that electricity and water are now available at such tracks or can be made easily available; and that crew replacements can be supplied from Los Angeles with sufficient lead time, or supervisory personnel can fill in as needed.

Again, it appears that these problems are not insurmountable and need only to be worked out between SP and Caltrans. These are relatively minor operational problems and the feasibility of the commuter operations is not contingent upon their immediate resolution. We direct SP and Caltrans to engage in good faith negotiations to arrive at solutions to those problems which are equitable to both. No changes in our other findings are required.

ORDER FOLLOWING LIMITED REHEARING

IT IS ORDERED that Decisions Nos. 91847, 92364, and the decision concurrently issued in this proceeding are modified as follows:

1. Finding 16 is modified to read as follows:
 16. A major portion of the SP coast line track facilities between Los Angeles and Oxnard is a single track with side tracks at four locations. Additional side tracks would greatly facilitate the movement of commuter trains and minimize delays to both passenger and freight trains. Hewitt siding should be returned to operation. Hewitt siding is not required to maintain fluid operations at GEMCO Yard. The use of radio to issue train orders is not a practical solution for minimizing delays to inferior trains.
2. Finding 17 is modified to read as follows:
 17. SP's interference study is a "worst case" analysis of the train conflicts which would result if the proposed commuter service is authorized. It shows a two-hour window in the morning and evening during which time freight operations must cease on the main line while the commuter trains operate. Complainant's similar analysis presents the most favorable possible operations, and ignores some of the inevitable conflicts which will arise.

Complainant's study shows a thirty-three minute window in the morning and a forty-five minute window in the evening when freight trains must cease operations on the main line because of the commuter operations. Under either analysis, some delays to freight service will occur, but, on balance, the existing line is capable of accommodating both the commuter service and freight service.

3. Finding 18 is modified to read as follows:

18. SP's GEMCO and Taylor Yards pose a potential problem for conflicts with the proposed commuter trains, but a major contributing factor is SP's practice of making up trains on the main tracks adjacent to both yards. Traffic has decreased at GEMCO Yard in the period between the initial hearing and the date of rehearing because of reduction of traffic at the General Motors plant. Better utilization of GEMCO Yard facilities and less interference with the main line operations can be achieved by construction of a 2-mile long ancillary track within GEMCO Yard. More efficient yard operations, and a stricter discipline in the calling and operation of freight trains would minimize possible delays to passenger and freight trains because of conflicts.

4. Finding 19 is modified to read as follows:

19. The proposed rail commuter service is feasible. Initially certain operational problems will be experienced but these can and should be resolved following a reasonable period for operational and public adjustment. After that adjustment period we will review the operational problems with a view to ordering CTC, new sidings, or other means of avoiding conflicts, should those measures be needed.

5. Finding 20 is modified to read as follows:
 20. Caltrans has established to the Commission's satisfaction that it has:
 - a. Two consists of eight rail passenger cars and sufficient locomotives available and ready to be used in the proposed service;
 - b. Arrangements have been made for the maintenance of passenger cars and locomotives and for sale of tickets.
6. Finding 25 is moot and is deleted.
7. Finding 35 is added as follows:
 35. The adjustment of the afternoon commuter schedules to create a timetable meet with Amtrak Train No. 12 will minimize delays.
8. Ordering Paragraph 4 is amended to read as follows:
 4. Within thirty days prior to the commencement of service by SP, Caltrans shall establish to the Commission's satisfaction that an escrow account has been established containing deposits of \$1.3 million for the purpose of constructing station platforms and parking facilities and a deposit of at least one-half of the estimated costs of the first year operations as set forth in Exhibit 9.
9. Ordering Paragraph 7(a) is added as follows:
 - 7(a) One year after commencement of the proposed service, SP or Caltrans may petition for the establishment of Centralized Traffic Control and/or construction of additional sidings or extension of existing sidings, in order to expedite passenger service or reduce delays to freight train operations. Said petition should set forth the facilities proposed to be constructed, the estimated construction costs, and a proposed division of such costs between Caltrans and SP based on the benefits accruing to each from such construction.

C.10575 ALJ/nb

7 ~~10~~ ¹⁰ decision ^{concurrently, listed in this proceeding} In all other respects, Decisions Nos. 91847, 92230, and ^{the} ~~the~~ shall remain in full force and effect. ✓

The effective date of this order is the date hereof.

Dated APR 7 1981, at San Francisco, California.

John E. Carson President
William D. ...
Thomas W. ...
... ..
Priscilla C. Krew Commissioners