RSCD / ASC / ccm

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Decision 00-01-047 January 20, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Union Pacific Railroad Company for authority to install and maintain stationary horn warning systems at two public crossings over applicant's main line, Lathrop Road and Roth Road, County of San Joaquin, on a trial basis for the purpose of evaluating the effectiveness of such systems.	Application 99-04-013 (Filed April 14, 1999)

OPINION

The Union Pacific Railroad Company (UP) requests authority to install Stationary Horn Warning Systems at Lathrop Road, Crossing 4-84.80 and Roth Road, Crossing 4-86.80 in the City of Lathrop, San Joaquin County. The Horn System is to be installed on a trial and experimental basis to evaluate the effectiveness of the devices in providing warnings to pedestrian and vehicular traffic of the approach of trains.

These systems are also known as the Automated Horn System (AHS) or Wayside Horn. The AHS is automatically activated by the approach of a train by means of the same circuitry which activates the flashing lights and gates at the crossing. The AHS is installed at both roadway approaches to the crossing and directed at the roadway traffic.

The purpose of the proposed system is to replace the train mounted horn by AHS to provide warning to the roadway traffic near the railroad-highway at-grade crossing of the approach of a train. Railroad operating rules and Section 7604 of the California Public Utilities Code require locomotive engineers to

sound the train horn as the train approaches a railroad-highway at-grade crossing. Locomotive engineers begin sounding the horn approximately one-quarter mile from the at-grade crossing. The crossing warning also exposes residents living near the at-grade crossing to the sound of the train horn, creating annoyance to the local community.

Currently, there are no Federal regulations that require locomotive engineers to sound the train horn. The requirement for locomotive engineers to sound the horn as the train approaches an at-grade crossing arises from railroad operating rules and regulations from some state governments, including California. In 1984, a Florida statute authorized local governments to ban the sounding of train mounted horns during certain hours of the day. In 1990, Federal Railroad Administration issued a study of the effect of the Florida train horn ban and found that the horn ban led to an increase in the number of accidents at those grade crossings. Oregon experienced a similar rise in accidents when a horn ban was imposed in the cities of Salem and Eugene. However, neither state provided an alternate auditory warning system of the approach of a train at the crossings.

Federal Railroad Administration issued an emergency order to preempt the Florida horn ban and Oregon repealed its horn ban. However, the original problem of annoyance to local residents still remains. The daily exposure to train horns, for residents living near at-grade crossings, interferes with their enjoyment of life. Many local communities desire to reduce the annoying effects of the train mounted horn. Some of the communities, including City of Ames, Iowa; City of Parsons, Kansas; and City of Gering, Nebraska, have recently installed AHS at their at-grade crossings and are satisfied with the reduction of train horn noise without any effect on grade crossing safety.

Union Pacific Railroad Company is defending a legal action by residents adjacent to its main line tracks north of Roth Road in San Joaquin County in which one of the issues is excessive noise from locomotive horns. UP plans to install AHS at two crossings to ascertain, if the noise levels in the adjoining residences can be reduced.

UP proposes to install AHS at the two crossings and aim the horns down the road directly at approaching vehicular and pedestrian traffic. An approaching train activating the flashers and gates will also activate the AHS, which will be programmed to sound the customary grade crossing horn pattern until the train enters the crossing. The horns and associated equipment will be installed at locomotive height above the roadway on poles located on each side of the crossing and protected from vandalism. A circuit will be provided from the signal case to the AHS to activate the horns upon the approach of a train. The AHS activation indicator strobe lights will be installed on both sides along the railroad track in advance of the grade crossing to advise the locomotive engineer of the operational status of the AHS. If the AHS is not functioning properly, the strobe light will not flash, in which case the locomotive engineer will sound the train mounted horn. Also, the locomotive engineer will not be prohibited from sounding the train mounted horn at any time, even if the AHS is functioning, to provide additional warning, when necessary. The locomotive engineer will be instructed to cease sounding the train mounted horn on approach to these two at-grade crossings as long as the AHS indicator strobe light is flashing and there are no other circumstances which require sounding the train mounted horn.

The Lathrop Road crossing is equipped with two automatic gate type signals with cantilever arm, Standard No. 9A and the Roth Road crossing is equipped with two automatic gate type signals, Standard No. 9. Both of these

crossings are also equipped with constant time warning devices. The existing crossing warning devices will not require any modifications.

UP proposes to bear the full cost of installation and maintenance of the AHS at these two crossings during the two-year trial period.

UP will work closely with the Commission staff, the City of Lathrop, and San Joaquin County in matters concerning the location of the AHS and their maintenance. Prior to installation of AHS, UP will provide AHS design details to the Commission's Rail Safety and Carriers Division, Rail Crossing Engineering Section staff (RSCD), the City of Lathrop, and San Joaquin County. UP will hold an on-site Diagnostic Team review meeting with representatives of RSCD, the City of Lathrop, San Joaquin County, and vendor of the AHS equipment.

The crossings are located in a mixed neighborhood surrounded by residential, industrial, and agricultural properties. The crossing location experiences heavy fog during the winter season. Some of the corner views at both crossings are restricted. Lathrop Road crossing has experienced one train-vehicle collision in the last five years. The City of Lathrop boundary runs along the eastern right-of-way of the railroad tracks and along the northern right-of-way of the Roth Road in the vicinity of the crossings. Both crossings are located in the City of Lathrop with easterly roadway approaches in San Joaquin County. Copies of the application were served on the City of Lathrop and San Joaquin County. We have not received any protest or comments to the proposed installation of the AHS.

The Commission is a responsible agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000, et. seq. It has been determined that this project is categorically exempt from the requirements of CEQA pursuant to the Commission's Rule 17.1(h) (A) 5 and 7.

The Commission's Rail Safety and Carriers Division, Rail Crossing Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed construction, the staff recommends that the sought authority be granted.

The application meets the filing requirements of the Commission's Rules of Practice and Procedure. A Sketch of the proposed project area is included as Appendix A.

In Resolution ALJ-176-2987 dated February 19, 1998, the Commission preliminarily categorized this application as rate setting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's Rail Safety and Carriers Division recommends that the application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ-176-2987.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU code Section 311 (g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the application was published in the Commission's Daily Calendar on April 16, 1999. No protests have been filed.

2. UP requests authority, under Public Utilities Code Section 1201 et seq., in particular Section 1202, and pursuant to Section 12.2 of the Commission's General Order 75-C to install the AHS at the Lathrop Road and the Roth Road Crossings in the City of Lathrop, San Joaquin County on a two-year trail and experimental basis.

3. Public convenience and necessity require installation of AHS at the Lathrop Road and Roth Road Crossings.

4. The Approaching train activating the flashers and gates will also activate the AHS, which will be programmed to sound the customary grade crossing pattern horn until the train enters the crossing.

5. The AHS activation strobe lights will be installed on both sides in advance of the crossings to provide status of operation of the AHS.

6. The locomotive engineer will be instructed to cease sounding the train mounted horn on approach to the Lathrop Road and the Roth Road crossings unless, at his discretion, the locomotive engineer believes that it is necessary to sound the train mounted horn to provide additional warning.

7. If the AHS is not functioning properly, the locomotive engineer will sound the train mounted horn.

8. Even if the AHS is functioning properly, the locomotive engineer may also sound the train mounted horn to provide additional warning when necessary, at his discretion.

9. The existing warning devices will not require any modifications.

10. The crossing location experiences heave fog during the winter season.

11. UP will bear full cost of installation and maintenance of the AHS at the two crossings during the two-year trial period.

12. The Commission is a responsible agency for this project and has determined that this project is categorically exempt from the requirements of CEQA.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The The Union Pacific Railroad Company (UP) is authorized to install Stationary Horn Warning Systems (AHS) at Lathrop Road, Crossing 4-84.80 (AAR #833920D) and Roth Road, Crossing 4-86.80 (AAR # 833921K) in the City of Lathrop, San Joaquin County.

2. The AHS is authorized on a trial and experimental basis for two years to evaluate the effectiveness of the devices in providing warning to pedestrian and vehicular traffic of the approach of a train at an at-grade crossing.

3. An approaching train activating the flashers and gates shall also activate the AHS, which shall be programmed to sound the customary grade crossing pattern horn until the train enters the crossing.

4. Two AHS activation strobe lights shall be installed along the railroad tracks on each side, one at a distance of one-quarter mile and the second strobe light at one-half mile, in advance of the crossings to provide status of the AHS operation during inclement weather conditions.

5. UP shall instruct locomotive engineer to cease sounding the train mounted horn on approach to the Lathrop Road and the Roth Road crossings except when, at his discretion, a locomotive engineer believes that it is necessary to sound the train mounted horn to provide additional warning.

6. If the AHS is not functioning properly as indicated by the advance strobe lights, the locomotive engineer shall sound the train mounted horn and may also sound the horn to provide additional warning when necessary.

7. Even if the AHS is functioning properly, the locomotive engineer may also sound the train mounted horn to provide additional warning when necessary, at his discretion.

8. UP shall implement a training program to educate all locomotive engineers operating on this track as to the operation of the AHS, and accordingly revise its operating rules for this track.

9. UP shall periodically check the response of locomotive engineers to the proper functioning of the strobe lights by randomly turning off the strobe lights.

10. UP shall install, at a minimum, a 50 feet long median barrier at Lathrop Road and Roth Road in advance of both approaches to the crossings to deter motorists from driving around the lower gates.

11. UP shall bear the full cost of installation and maintenance of the AHS during the trial period. If necessary or ordered by the Commission, UP shall remove the AHS at its own cost.

12. UP shall enter into an agreement with the City of Lathrop and San Joaquin County as to any liability as a result of the installations of the AHS. UP shall file a copy of the agreement with the Commission's Rail Safety and Carrier's Division, Rail Crossing Engineering Section (RSCD) prior to installation of the AHS.

13. Prior to the start of operation of the AHS, UP shall inform the local community via information media as to the operation of the AHS.

14. UP shall perform before and after studies to evaluate community noise impact, crossing safety, vehicle driver and pedestrian behavior, locomotive engineer's response, and overall effectiveness of the system on a regular basis.

The results of the study shall be reported to RSCD, City of Lathrop, and San Joaquin County every three months during the trial period.

15. At the end of the trial period, UP shall prepare and deliver to RSCD a final report making recommendations as to the future use of the AHS.

16. Clearances shall be in accordance with General Order (GO) 26-D.

17. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

18. Within 30 days after completion of the work under this order, UP shall notify RSCD in writing that the authorized work has been completed.

19. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

20. The Executive Director shall serve a copy of this order on the City of Lathrop and San Joaquin County.

21. The application is granted as set forth above.

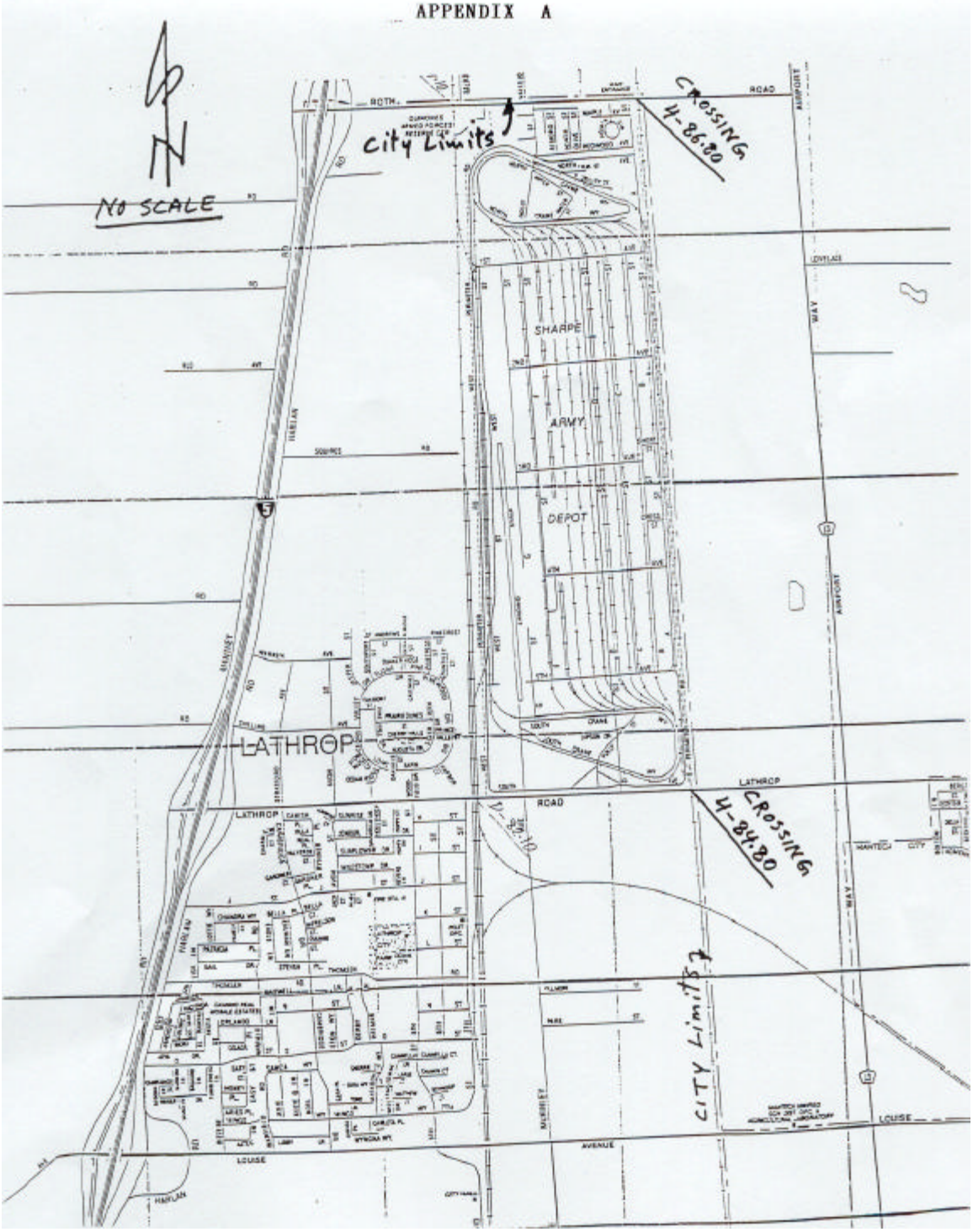
22. Application 99-04-013 is closed.

This order becomes effective thirty (30) days from today.

Dated January 20, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
LORETTA M. LYNCH
Commissioners

APPENDIX A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