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North Maple Street crosses the tracks of the Chicago and North Western Transportation Company in City of Carroll, Iowa; and for the determination of the allocation of expense between City of Carroll, Iowa, the Railroad Company and the Highway Grade Crossing Safety Fund. On the basis of the record made at the hearing held March 13, 1974, we make the following findings:

Four tracks of the Railroad Company extend in a general east-west direction and are crossed by Maple Street which extends in a general north-south direction. The southernmost track is a stub track, the two center tracks are main line tracks and the northernmost track is a branch line track. Motor vehicle access to the grade crossing can be gained by using a service road east of Maple Street. The service road is located north and parallel to the northernmost main line track.

A traffic count was taken at this location by the C&NW on February 21, for a 12-hour period from 6 a.m. to 6 p.m. and on February 25 and 26 for a 12-hour period from 6 p.m. to 6 a.m. During that period 40 pedestrians, 152 automobiles, 1 bicycle, 2 tractors and 46 trucks used the crossing. All train movements at this location are run as extras. East and westbound traffic movement is primarily main line traffic. For the period February 21, 1974, through February 27, 1974, the train traffic ranged from fifteen to twenty daily movements. The maximum authorized train operating speed at this location is 40 miles per hour.

The intersection of Maple Street and the four railroad tracks and various obstructions to the motorist's view of approaching trains create a hazard at this crossing location. We find automatic signal protection should be installed for both Maple Street and the service road entering Maple Street.

The Commission further finds:

1. We have jurisdiction of the parties and subject matter pursuant to Section 478.21, 478.22, 478.23, and 478.26 of the Code of Iowa.
2. North Maple Street in Carroll, Iowa, is not a Federal or Federal-aid highway and therefore the cost of any automatic protection ordered may be allocated from the Highway Grade Crossing Safety Fund.
3. It is necessary to order the installation of automatic signal protection. The most appropriate type of protection consists of flashing-light signals with automatic short-arm gates and one bell, and one flashing-light signal with one-way indication for protection of service road entering east side of Maple Street at an estimated total installation cost of \$35,350.
4. Under the regulatory scheme of Chapter 478, in addition to resolving disputes between governmental units and railroads relative to highway-railway grade crossings, we have the further responsibility of determining what portion, if any, of related expense will be borne by each party to the controversy.
5. We find that an allocation of costs on the basis of the benefits accruing to the railroad and the governmental unit involved as it bears to the general public benefit is a reasonable approach to be followed in this proceeding. In allocating costs on such a basis we must, under Section 478.23, follow the standards adopted for a similar purpose by the United States Bureau of Public Roads. These standards exclude the allocation of installation costs to the railroad where automatic signal protection is ordered. Accordingly, we find the railroad should not be assessed any portion of the cost of construction of the

protective device hereinafter ordered. The annual maintenance cost of automatic signal protection herein found necessary is \$985 per annum.

6. The 65th General Assembly, 1st Session, pursuant to Senate File 112 has directed the Highway Grade Crossing Safety Fund to pay one-half of the annual maintenance cost but not more than \$450 per year per flasher light signal protection ordered installed. Therefore, the Highway Grade Crossing Safety Fund should pay \$450 on an annual basis toward the cost of maintenance of the automatic signal protection.

7. City of Carroll, Iowa, at the hearing, stated its willingness and ability to pay a nominal portion of the cost of such signalization. We find the record supports the apportionment of ten (10) percent of the cost of installation of the protective devices to the City for \$3,535.

The Commission orders:

The application of City of Carroll, Iowa, for the installation of automatic highway-railroad grade crossing signal protection where North Maple Street crosses the tracks of the Chicago and North Western Transportation Company in Carroll, Iowa, and the allocation of costs for such installation be and it is hereby granted, subject to the following conditions:

1. That the Chicago and North Western Transportation Company will install automatic flashing light signals with short-arm gates and one bell, and a flashing light signal with one-way indication for protection of the service road, at an installation cost not to exceed \$35,350 at the location where North Maple Street crosses the tracks of the Chicago and North Western Transportation Company in Carroll, Iowa; said installation to conform with requisites and

specifications of the Association of American Railroads, Signal Section, and to Type "A" and "D" of "General Plan for Various Types of Railroad Highway Crossing Signals" of this Commission, last revised November 14, 1956.

2. That City of Carroll, Iowa, pay one-tenth, or \$3,535 toward the cost of such installation to cover its share of the benefits. Said City of Carroll, Iowa is accordingly required to deposit its portion of the money in a bank of its choice, within thirty (30) days from receipt of this Order; said money to be held in escrow until such time as the installation has been completed and accepted in its final form by this Commission, at which time the money will be released to the Railroad Company. At such time as the deposit has been made in escrow, said City will furnish this Commission, and to the Railroad Company, a written statement from the bank that said deposit has been made in escrow, after which the Railroad Company will commence its plans and order the necessary material; said installation to be completed within nine (9) months from such notification of deposit, unless said time be further extended by this Commission for good cause shown.

3. The Chicago and North Western Transportation Company shall thereafter maintain and repair the protective devices herein ordered and the Highway Grade Crossing Safety Fund will pay \$450 annually toward the maintenance and repair cost with the remainder of such annual cost to be paid by the Chicago and North Western Transportation Company.

4. That upon completion and acceptance of the installation the remainder of the installation cost, not above pledged in paragraph 2, shall be contributed out of the Highway Grade Crossing Safety Fund; provided, however, that the participation of said fund for the cost of installation shall not be in excess of \$31,815.

5. That the Railroad Company, prior to beginning the installation of signals, will submit detailed plans for examination and approval by this Commission.

IOWA STATE COMMERCE COMMISSION

Marvin L. Starnes
Chairman

Fred W. Wom
Commissioner

ATTEST:

Sean A. Riley
Secretary

Howard Bell
Commissioner

Dated at Des Moines, Iowa this 30th day of April, 1974.

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