

Decision No. 22299.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of  
THE CITY OF SANTA ANA, a Municipal  
Corporation, for an order directing the  
partial separation of grades on Fourth  
Street, where the same crosses the tracks  
of the Southern Pacific Railroad Company  
and The Atchison, Topeka and Santa Fe  
Railroad Company in said City of Santa Ana;  
and prescribing the terms upon which such  
partial separation of grades shall be made,  
and the proportions in which the expense of  
the same shall be divided between the said  
Railroad Companies and the City of Santa Ana.

APPLICATION NO. 15748.

Chas. D. Swanner and L. A. West, for the Applicant.

Frank Karr and R. E. Wedekind, for Southern Pacific  
Company and Pacific Electric Railway Company,  
Protestants.

Robert Brennan and E. G. Lockwood, for The Atchison,  
Topeka and Santa Fe Railway Company, Protestant.

WEITSELL, COMMISSIONER:

O P I N I O N

This is an application, filed with the Commission by the City of Santa Ana, seeking permission to construct a portion of Fourth Street at separated grades under the tracks of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, respectively, in the City of Santa Ana, County of Orange.

Public hearings were held in this proceeding at Santa Ana on November 8 and 14, 1929, and January 23, 1930, and it is now ready for decision.

Fourth Street is one of the main east and west streets of Santa Ana, affording a direct route between the eastern portion of the city and the business district to the west of the tracks. It has a total width of eighty (80) feet between property lines and it is paved to a width of fifty-six (56) feet in the vicinity of the proposed improvement and is crossed by the tracks of both Southern Pacific Company and The Atchison, Topeka and Santa Fe

Railway Company, which extend in a general north and south direction, the main track of the Santa Ana Branch of Southern Pacific Company being located some one hundred sixty (160) feet to the west of the main track of The Atchison, Topeka and Santa Fe Railway Company's line to San Diego.

The grade crossings of the two railroads are protected by manually controlled crossing gates between the hours of 6:00 A.M. and 10:00 P.M. and, in addition, the Santa Fe crossing has an automatic wigwag. The station buildings of the two railroads are located along the tracks of the respective companies immediately south of Fourth Street. The City of Santa Ana proposes to construct the center portion of Fourth Street to a width of twenty-seven (27) feet at separated grades under the tracks of said railroad companies, with an eighteen (18) foot street at grade across the tracks on either side of the separation.

There are two short north and south streets intersecting Fourth Street within the limits of the grades of approach; namely, Breeden Street and Terminal Street. The former is located approximately one hundred twenty-five (125) feet west of Southern Pacific Company's main line tracks and the latter approximately two hundred (200) feet east of the Santa Fe main line tracks. Pacific Electric Railway Company now maintains a small yard, used for the storage of its cars, located within the limits of the west approach of the proposed separation and north of Fourth Street.

The construction of a separation for the entire width of the street would eliminate access to the station properties of both railroads and to the industries located along Fourth Street, within the limits of the separation, as well as to Breeden and Terminal Streets. The number of vehicles going to and from the railroad stations and

the Globe Mills, located between the tracks of the two railroad companies, on October 28th, 1929, was 438. This traffic would undoubtedly use the grade crossings in the event the underpass is constructed as proposed.

Exhibit No. 1 shows the volume of vehicular traffic passing over the crossings involved, number of train movements and the amount of time the crossing gates were closed or the crossing blocked during the period from October 30th to November 5th, 1929, as follows:

Date	Vehicular Traffic 24 hrs.	Average Per Hr.	Number of Train Movements	Time Gates Closed or Crossing Blocked			
				Total Min.	Max. Min.	Min. Min.	Avg. Min.
Oct. 30, 1929	4,926*	308	42	54½	4½	½	1.3
Oct. 31, 1929	4,727*	296	65	84	4	½	1.3
Nov. 1, 1929	4,769*	298	59	83	5	½	1.4
Nov. 2, 1929	5,662	236	67	112	10	½	1.67
Nov. 3, 1929	3,851	160	13	36½	14	½	2.8
Nov. 4, 1929	5,209	217	61	101	9	½	1.65
Nov. 5, 1929	5,243	218	63	107½	10	½	1.7

\* 6:00 A.M. to 10:00 P.M.

This vehicular traffic is principally local; however, there is a limited amount of through traffic between Los Angeles and San Diego, and intermediate points.

It appears that this application was filed by the City of Santa Ana at the request of the East Side Improvement Association, whose membership is made up, largely, of property owners and residents in the vicinity of Fourth Street and east of the tracks.

The City Engineer testified that a subway with a width of twenty-seven (27) feet would be sufficient to accommodate the vehicular traffic involved and that approach grades of seven (7) per cent would not be objectionable for passenger vehicles, which is the main class of traffic that would use the subway; also, that the proposed vertical clearance of twelve (12) feet would be ample, inasmuch as any vehicles desiring to cross the railroads at Fourth Street,

with a height in excess of twelve (12) feet, could use the adjacent grade crossings. To provide standard clearance of fourteen (14) feet and to reduce the approach grades to five (5) per cent, which is commonly used in effecting grade separations, would materially increase the cost of the proposed separation. The railroad representatives offered no objection to the proposed width of the subway, approach grades or the vertical clearance.

The City of Santa Ana presented an estimate of cost for the proposed grade separation amounting to \$129,169.32, which amount is exclusive of property damage and the cost necessary to relocate the Pacific Electric Railway Company's facilities. The Atchison, Topeka and Santa Fe Railway Company presented an estimate of cost on the same basis, amounting to \$188,798.50. From the record in this proceeding, it appears that the City's estimate is low, while that of the railroad is high and it would seem that a reasonable estimate of structural cost of this separation would be approximately \$150,000.

Estimates on property damage were introduced by witnesses for applicant, Southern Pacific Company and the Commission. These estimates varied considerably and are not entirely comparable, as they are based on different assumptions. From the evidence, it appears that a reasonable allowance for property damage would be approximately \$15,000.

Pacific Electric Railway Company's witness testified that if the proposed separation is constructed, it would be necessary to move the yard facilities from the present location near Fourth and Breeden Streets to the station grounds at Fourth and Mortimer Streets and to abandon and remove the tracks on Fourth Street, between the station grounds and the present eastern terminus, and that the company was willing to do so, provided, however, that

it would not be called upon to bear any portion of the expense incident to such a change in the facilities. The total cost to make these changes has been estimated to be \$17,900.

It appears that the total cost of constructing the proposed separation, including property damage and the cost of re-arranging Pacific Electric Railway Company's facilities, would be approximately \$180,000.

Both Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company oppose the granting of this application, especially if they were to be assessed any portion of the cost of the same, due to the fact that it would accomplish only a partial separation and leave the companies with a continuing obligation to maintain and protect grade crossings of Fourth Street with their respective tracks.

The record shows that the predominating reason why applicant is urging a partial separation at this time is that such a project can be constructed at a cost substantially less than would be the case if a complete separation were effected. The item which would make the principal difference in the two classes of construction would be that of property damage, as a plan for complete grade crossing elimination would necessarily deprive the property fronting on Fourth Street, within the limits of the approaches, access to this highway.

As shown above, the vehicular traffic using the Fourth Street crossing is in excess of five thousand (5,000) vehicles per day, while railway movements including switching per day amount to about 50 on the Santa Fe line and 12 on the Southern Pacific line. It would seem that a more desirable separation could be had through the construction of an underpass under the Santa Fe main line tracks with side streets which would connect and terminate on either side of this company's main line tracks. Such a project would, perhaps, cost more than the one which applicant has proposed but,

nevertheless, it would appear that money spent for such separation could be more reasonably justified than is the case with the separation proposed and under such a plan the railroads, especially the Santa Fe, could reasonably be called upon to participate in the cost of the same, while, with the plan proposed by applicant, it appears that the railroads are receiving but little benefit, as, in each case, it is necessary to continue the maintenance of special grade crossing protection with the attending hazard, regulation of train movements and occupancy of the crossing by trains. It does appear, however, that the railroads would receive some benefit if and when the proposed separation was effected, as it undoubtedly would attract a considerable volume of the vehicular traffic now crossing the tracks at grade. It would seem reasonable, therefore, that the two railroads bear ten (10) per cent of the cost of effecting the separation in accordance with the plan proposed, the railroads' portion to be divided between The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company on a basis which takes into consideration the number of train movements and also the number of tracks, that each company now has constructed across Fourth Street, which will be affected by the grade separation.

As shown above, Southern Pacific Company operates approximately 19 per cent of the total number of trains normally passing over this crossing and owns two of the six tracks affected. Assuming that equal weight is given to the number of tracks and the number of train movements, in allocating the railroads' portion between the two companies, Southern Pacific Company should bear approximately  $2\frac{1}{2}$  per cent of the total cost of the project and the Santa Fe  $7\frac{1}{2}$  per cent. If and when it is shown that a complete separation should be effected at this point, the railroads should bear a substantial portion, probably the major portion, of the expense of such an improvement. The following order is recommended.

O R D E R

The City of Santa Ana having filed the above entitled application with this Commission, seeking permission to construct a partial separation between Fourth Street and the tracks of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, in the City of Santa Ana, public hearings having been held, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that permission and authority be and it is hereby granted to the City of Santa Ana to construct Fourth Street at separated grades under the tracks of Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company, respectively, in accordance with the plans filed in this proceeding as Exhibit "B."

This undergrade crossing of The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company shall be identified as Crossings Nos. 2-175.4-B and EK-517.0-B, respectively.

Said undergrade crossing shall be constructed subject to the following conditions:

(1) The entire expense of constructing this undergrade crossing shall be apportioned between the parties as follows:

City of Santa Ana.....	90%
The Atchison, Topeka & Santa Fe Railway Company.....	7½%
Southern Pacific Company.....	2½%

(2) The expense of maintaining the track supporting structures shall be borne by The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company, respectively. The expense of maintaining pumping equipment, lights and pavement, together with any other expense incident to the maintenance of this undergrade crossing, shall be borne by the applicant.

(3) Said undergrade crossing shall be constructed with clearances conforming to the provisions of this Commission's

General Order No. 26-C, except that the vertical clearance may be reduced to twelve (12) feet.

(4) No train, engine, motor or car shall be operated over the spur track grade crossings of Fourth Street, immediately east and west of the approaches to said underpass, unless said train, engine, motor or car shall be under full control and unless traffic on the highway be protected by a member of the train crew or other competent employee acting as flagman.

(5) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the construction of said undergrade crossing.

(6) The terms and conditions of this order are contingent upon the undergrade crossing being constructed within one year from the date of this order; otherwise, the authorization herein granted shall lapse and become void, unless further time is granted by subsequent order.

For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 7<sup>th</sup> day of April, 1930.

AC Seamy  
Leon Whitell  
Wm. D. ...  
W. H. ...  
Commissioners.