

**ORIGINAL**Decision No. 69750

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of the COUNTY OF ORANGE to )  
Construct a Temporary State )  
Highway across the Right of Way )  
of the Pacific Electric Railway )  
Company near Anaheim Bay. )

Application No. 47715  
Filed June 29, 1965

A. C. Wahlstedt, Jr., for applicant.  
Randolph Karr and Alan L. Freedman, for  
the Pacific Electric Railway Company,  
protestant.  
W. F. Ribbard and John Ukleja, for the  
Commission staff.

O P I N I O N

By the application the County of Orange (County) seeks authority to construct two temporary crossings at grade over the single line of track of the Pacific Electric Railway Company, now the Southern Pacific Company (Railway) near the City of Seal Beach in Orange County, California.

The applicant will pay all costs including whatever protection is ordered and the costs of paving the crossing.

Public hearings were held before Examiner Rogers in Los Angeles on August 11 and 12, 1965. On the latter date submission was deferred pending the filing of concurrent briefs on or before August 27, 1965. No briefs were filed by said date and the matter was submitted. It is ready for decision.

The Pacific Coast Highway, (Highway) in the vicinity of the sites of the proposed crossings, is immediately contiguous

to and concentric with the Railway's single line of track, (Exhibits Nos. 2 and 7). Both cross an inlet to Sunset Bay on bridge structures at approximately the same level. The Department of Public Works of the State of California (Department), in conjunction with the County, intends to raise the existing Highway bridge across the Bay. In order to accomplish this, it is necessary that the vehicular traffic on the Highway be diverted during construction of the permanent bridge. It is estimated that this construction will take not to exceed 18 months. To the south and west of the existing bridge and on the ocean side there exists the remainder of a former highway with a partial bridge structure. Pending construction of the new bridge the County will divert traffic across the Railway and on to the old highway thus bypassing the existing bridge.

The reason for the raising of the Highway bridge is to permit the development of a marina north and east of the Highway and the Railway.

The Railway is on the ocean side of the Highway and the County plans to construct a detour which will cross the Railway at two points approximately 3,400 feet apart, (Exhibit No. 11). At the two proposed crossings the Railway and the Highway are at approximately the same grade. The existing Highway is 44 feet in width and the proposed detour will be 48 feet in width. The witness for the County testified that visibility at each of the proposed crossings would be approximately 1,000 feet.

The traffic on the existing Highway is between 30,000 and 40,000 vehicles per day. The vehicular speed on the detour

over the proposed crossings will be restricted to 45 miles per hour.

The rail line serves only one plant, the Dow Chemical Company in Seal Beach, a short distance north of the proposed crossings. The speed limit of the trains is 20 miles per hour and trains are operated at any time of the day or night. The average traffic is approximately 80 cars in each direction per year. These cars are usually one car to a train but on occasions there are two or three cars to a train. The items transported include hydrochloric acid and chlorine gas.

A witness for the Railway recommended that the crossings be protected with No. 8 flashing light signals together with automatic gates. His reasons included the fact that there is to be a four-lane detour and highway which means that some of the inside vehicles will not have good visibility and the heavy traffic on the Highway.

The County has requested that the Commission act on the application at the earliest possible time in order to expedite the commencement of construction on the detour and the completion of the main Highway.

#### Findings

Upon the record herein the Commission finds that:

1. The County of Orange and the Department of Public Works of the State of California contemplate raising and widening a bridge on Pacific Coast Highway over Sunset Bay.
2. The present vehicular traffic on the Highway over the bay bridge is between 30,000 and 40,000 vehicles per day.

3. The Highway is immediately contiguous to the Railway at the bridge site. The Railway is on the ocean side of the Highway. The annual rail traffic is approximately 80 cars per year in one and sometimes two or three car trains. Rail movements are at any time of the day or night. Chemicals, including chlorine gas and hydrochloric acid are carried on the rail line. Train speed is 20 miles per hour.

4. The County desires to use a partially existing bridge and road on the ocean side of the existing Highway for the purpose of bypassing the existing Highway bridge during construction of a new bridge. It is estimated it will take not to exceed 18 months to construct the new bridge. The temporary road will cross the Railway at two places approximately 3,400 feet apart. The Railway and the Highway are at approximately the same grade.

5. The County will pay for any protection and paving across the Railway as required by this Commission.

6. Public convenience and necessity require that temporary crossings be authorized as proposed by the application.

7. Public health, safety and welfare require that the crossings be protected by Standard No. 8 flashing light signals (General Order No. 75-B) supplemented by automatic crossing gates and 20,000 lumen mercury vapor lights during the construction of the Highway.

#### Conclusion

The Commission concludes that the application should be granted; that the crossings should be protected and the costs apportioned as specified in the order herein; and that the effective date of the order should be the date hereof.

O R D E R

IT IS ORDERED that:

1. The County of Orange is hereby authorized to construct two temporary crossings at grade across the tracks and right of way of Southern Pacific Company, formerly the Pacific Electric Railway Company, at the locations as shown in the application and on Exhibit C No. 11 in this proceeding to be identified as Pacific Coast Highway, U. S. 101 (Crossings Nos. 6E-24.7 and 6E-25.2). The width of each crossing shall be 48 feet and grades of approach not greater than 2 percent and 3 percent, respectively, in accordance with the above exhibit. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection at each crossing shall be two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented by automatic crossing gates and two 20,000 lumen mercury vapor lights.

2. Construction costs shall be borne by the County of Orange.

3. Maintenance costs of the crossings outside lines two feet outside of the outside rails shall be borne by the County of Orange and between said lines by the Southern Pacific Company.

4. Upon completion of the raising and widening of the bridge on Pacific Coast Highway over Sunset Bay, the above two Crossings Nos. 6E-24.7 and 6E-25.2 shall be abandoned and physically removed.

Within thirty days after completion pursuant to this order, applicant shall so advise the Commission in writing.

This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not

complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of October, 1965.

Frederick B. Holmberg  
President

August

William W. Bennett

Commissioners  
Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

*I concur in the result.*

*George T. Grover*