

ORIGINAL

Decision No. 70328

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
the CITY of TUSTIN for an order)
prescribing adequate protection)
at the crossing of First Street)
and the tracks of the Southern)
Pacific Company and for apportion-)
ment of the cost thereof.)

Application No. 47655
(Filed June 9, 1965)

Investigation into the status,)
safety, maintenance, use and)
protection or closing of the)
crossing at grade of the tracks)
of the Southern Pacific Company)
in the City of Tustin, County)
of Orange, with First Street;)
Crossing No. BM-521.9.)

Case No. 8218
(Filed July 7, 1965)

Rourke and Holbrook by James G. Rourke, for City
of Tustin, applicant in Application No. 47655
and respondent in Case No. 8218.
Walt A. Steiger, for Southern Pacific Company,
in Application No. 47655 and respondent in
Case No. 8218.
David R. Larrouy and W. F. Hibbard, for the
Commission staff.

O P I N I O N

A duly noticed public hearing was held at Tustin before
Examiner Power on October 6, 1965 and the matter was submitted.

This investigation concerned itself with the crossing of
First Street in the City of Tustin with the track of the Tustin
Branch of Southern Pacific Company, Crossing No. BM-521.9.

The respondents in Case No. 8218, besides the Railroad and
the City, included the County of Orange. A recent annexation has
placed the crossing and its approaches entirely in the city limits
of Tustin.

Tustin is east of Santa Ana. Approaching this crossing from the southeast, First Street crosses first, Newport Avenue and then the track which is immediately adjacent to Newport Avenue. Immediately beyond the track it curves left to a due westerly direction. There are highway traffic lights at the intersection of First and Newport.

This trackage is used solely for switching to certain industries. The switch train goes and returns on each of six days a week making two moves a day over this crossing. Staff witness Hollis reported that these train moves occur between 7:00 p.m. and 11:00 p.m. on a non-scheduled basis. The same witness gave a vehicular traffic count of 8,700 vehicles per day taken on August 13, 1963, including about 75 buses, loaded and unloaded, of Tustin Elementary School District. The train speed limit is 20 MPH and the vehicular limit is 35 MPH. The Santa Ana and Newport freeways are quite close and cross each other a little over a mile from this crossing.

The staff recommended: three Standard No. 8 Flashing Light Signals with a "No Right Turn" signal and street signals coordinated; First Street be widened to its ultimate programmed width of 84 feet in the vicinity of the crossing; a raised island should be constructed northwest of the railroad track in the center of First Street; all three of the flashing light signals should be located northwest of the track with one on the island; and Crossing No. BM-521.9 be illuminated. Thus, when a train is in the crossing concealing the flashing lights, the train itself will be visible to drivers approaching from the southeast.

The City proposed to protect the crossing by use of the highway signals. In the Commission's view, this is unsatisfactory.

Such signals have a definite meaning to the motorist and this meaning does not include the presence of railroad trains. On the other hand, when a motorist sees a flashing light signal he will immediately associate it with the presence of a train in the immediate vicinity. The staff proposal appears to be the more satisfactory of the two and will be adopted.

The Commission finds that:

1. Public safety requires:
 - A. The widening of First Street at Crossing No. BM-521.9 of said street with a track of Southern Pacific Company's Tustin Branch to a width of 84 feet.
 - B. The construction of a raised concrete island in the center of First Street as widened northwest of the railroad tracks.
 - C. The protection of Crossing BM-521.9 by three flashing light signals all located northwesterly of the track, one of them on the island referred to in finding 1B and a "No Right Turn" sign on Newport Avenue with a warning aspect directed against traffic headed southwesterly.
 - D. The coordination of traffic signals at the intersection of First Street and Newport Avenue.
2. The County of Orange does not have highway jurisdiction at this crossing.
3. A fair and reasonable division of the costs of the improvements listed in finding No. 1 hereof would be as follows:
 - A. Traffic signal coordination - 100 percent to the City.
 - B. Center island - 100 percent to the City.
 - C. Widening of First Street - 100 percent to the City.
 - D. Preparing tracks for paving in the portion of First Street to be widened - 100 percent to Southern Pacific Company.

- E. Installation of Standard No. 8 Flashing Light Signals and "No Right Turn" signal; 50 percent to Southern Pacific Company and 50 percent to the City of Tustin.

The Commission concludes that:

1. The crossing of First Street in the City of Tustin, at grade, with a track of Southern Pacific Company's Tustin Branch, Crossing No. BM-521.9 should be protected and costs allocated as provided by the following order.

2. Case No. 8218 should be discontinued as to the County of Orange.

O R D E R

IT IS ORDERED that:

1. Southern Pacific Company shall, within six months after the effective date of this order, improve the protection of the crossing of First Street with tracks of its Tustin Branch No. BM-521.9 by installing at said crossing three Standard No. 8 Flashing Light Signals and a "No Right Turn" sign to be included in the track circuits and so located as to warn road traffic proceeding in a southwesterly direction on Newport Avenue.

2. Within six months after the effective date of this order City of Tustin shall widen First Street in the vicinity of Crossing No. BM-521.9 to 84 feet.

3. Costs of construction of Crossing No. BM-521.9 improvements are allocated as set forth in finding No. 3 hereof.

4. Costs of maintenance of the automatic grade crossing protection ordered in paragraph 1 shall be allocated 50% to the

Southern Pacific Company and 50% to the City of Tustin in accordance with and pursuant to Section 1202.2 of the Public Utilities Code.

5. Case No. 8218 is discontinued as to the County of Orange.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of FEBRUARY, 1966.

Fredrick B. Holcluff
President
W. H. Mitchell
Augusta
William W. Berne
Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.