

**ORIGINAL**

Decision No. 71316

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SANTA ANA )  
to establish a grade crossing of )  
St. Gertrude Place over and across an )  
industrial switching line of the )  
SOUTHERN PACIFIC RAILWAY COMPANY )  
approximately 1,100 feet west of )  
Grand Avenue. )

Application No. 48191  
(Filed January 19, 1966)

John K. Colwell, City Attorney, and  
R. Henry Mohle, for the City of  
Santa Ana, applicant.  
Randolph Karr and Walt A. Steiger,  
by Walt A. Steiger, for the  
Southern Pacific Company, protestant.  
George B. Maxwell, for the Santa Ana  
Chamber of Commerce, interested party.  
John B. Ukleja, for the Commission  
staff.

O P I N I O N

Applicant seeks authority to establish a crossing at grade at St. Gertrude Place in the City of Santa Ana over the track of the Southern Pacific Company's (Southern Pacific) Santa Ana Branch Line. Attached Appendix A is a diagram showing the proposed crossing and vicinity.

Public hearing was held before Examiner Robert Barnett at Santa Ana on June 14, 1966, at which time the matter was submitted.

The Santa Ana Branch Line connects the main line of Southern Pacific at Los Angeles and the City of Costa Mesa. No passengers are carried over this line. The line carries mixed

local freight on trains that operate on an extra basis; there are no published train schedules on this line. The present train operation over the proposed crossing is a minimum of two, and a maximum of four, round trips daily. Trains operate at a maximum speed of 30 mph.

St. Gertrude Place is a two-lane street, running in an east-west direction, presently constructed on both sides of the Southern Pacific track, but not crossing the track. A vehicle on St. Gertrude Place at one side of the railroad track would have to travel approximately 6,000 feet to reach the other side of the track. If the proposed crossing were opened, the distance to be traveled across the track would be approximately 35 feet. The grade crossings closest to the proposed crossing are at Warner Avenue, 1,200 feet to the south, and at Edinger Avenue, 2,350 feet to the north. Applicant proposes to connect the two segments of St. Gertrude Place by a crossing at grade over Southern Pacific's track. Applicant proposes to protect the grade crossing by two Standard No. 8 flashing light signals. However, applicant has agreed to supplement the flashing light signals with automatic gates with predictors if the Commission so orders.

#### Applicant's Evidence

Applicant presented six witnesses: Its Assistant Director of Public Works, a Lieutenant in its Police Department, its Fire Chief, a representative of the Santa Ana Chamber of Commerce, and two members of the public.

The Assistant Director of Public Works, who is a registered civil engineer, testified that the two most important reasons for a crossing at St. Gertrude Place are safety of the public and economic benefits to business. He estimated that approximately 900 vehicles per day would use the crossing plus numerous pedestrians who live in the vicinity.

The improvements in public safety which the crossing will produce are mainly in the sphere of police and fire protection. The economic benefits encompass improved ingress and egress for vehicles, especially commercial vehicles, and for workers who walk to and from the industrial and residential sections in the area. These benefits will be of great value to local industry.

The witness recognized that there is a possibility of accidents at any grade crossing but he felt that this problem is minor when compared with the advantages to be derived from the crossing. In 1965 in Santa Ana there were only three train-vehicle accidents out of a total of 4,258 traffic accidents.

In the witness's opinion the proposed crossing should be protected by Standard No. 8 flashing light signals. Automatic gates are not needed and will only create a needless expense. He based his opinion on the City's good traffic record and the comparatively low daily vehicular use of the crossing.

A Lieutenant from the Santa Ana Police Department testified in favor of the proposed grade crossing. It is needed, he said, because patrol cars, which may be in any part of the city at a given time, should be able to get to the scene

of a crime or an emergency call by as direct a route as possible. Also, once a patrol car enters a limited access area mobility is restricted and extra time is consumed in getting out of the area. The industrial area around St. Gertrude Place is lightly patrolled, therefore better access roads are required to make police protection more effective. Without the proposed crossing police vehicles often have to take a circuitous route to reach points on St. Gertrude Place. As the witness trenchantly put it ". . . without a through street the police cars can't go across an open field. They can't go across a nonexistent street or across the railroad track that has no street across it. And so, when an officer comes to an open field or railroad track or end of a street he is at least temporarily frustrated, there is nothing he can do but back up and try another avenue. . . . The more straight lines we have, the more open streets and open alleys we have, the better off we are."

The Santa Ana Fire Chief testified in support of this application. For reasons similar to those of the Police Department, the Fire Department needs direct access routes whenever possible. In addition he emphasized that fire travels the way the wind blows; firemen must be mobile and prepared to move into areas across the tracks and down the street. As an example, he told of a recent fire on Hathaway Street just south of St. Gertrude Place. If a Santa Ana wind had been blowing, the fire would have crossed the railroad track and the firemen would have had to travel a mile to get to the other side of the track.

A representative of the Santa Ana Chamber of Commerce testified on behalf of the applicant. It is his job to attract new manufacturing and commercial businesses to the Santa Ana area and to assist those located in Santa Ana with their expansion programs. The Chamber of Commerce supports the application for the following reasons: (1) The commercial and manufacturing facilities located on or near St. Gertrude Place on both sides of the railroad track make this section a cohesive industrial and commercial complex; (2) opening the crossing will improve traffic circulation in this area and will alleviate present and future vehicular congestion during peak hours, thereby promoting safety; (3) city emergency vehicles such as police cars, fire trucks, and ambulances will have quicker and easier access to and from the area; and (4) some fire insurance rates, and perhaps other insurance rates, now paid by businesses in the area might be reduced because of the improved access for all emergency vehicles.

Two public witnesses who operate businesses near the proposed crossing testified to the need for the crossing. They cited the need for easier and faster access to the area for police cars, fire trucks, and ambulances. Vandalism is a serious problem in the area; broken windows, burglaries, and car thefts occur frequently. Opening the crossing will not only improve police protection but will permit a regular flow of traffic through the area. This traffic, by merely being there, should reduce vandalism. Also, suppliers and sales people who service businesses in the area are often inconvenienced by having to travel a circuitous route

in order to reach these businesses. Joining both segments of St. Gertrude Place will alleviate these problems.

Southern Pacific's Evidence

Southern Pacific presented one witness, an Assistant Division Engineer, in opposition to the granting of the application. He testified that freight traffic on the Santa Ana Branch of the railroad has been increasing in recent years. It is expected that there will be continued industrial growth in the St. Gertrude Place area and in areas adjacent to the railroad line further to the south. In his opinion the area is adequately served with streets at the present time. The addition of a grade crossing with its inherent hazards is not needed now and will not promote a good pattern for industrial development. Any industrial development in the vicinity of St. Gertrude Place might require spur tracks across St. Gertrude Place and a grade crossing at this point would interfere with train movements on the spur tracks. If the crossing is opened, train operations on spur tracks now installed, but not crossing St. Gertrude Place, will block the crossing about 50 minutes per week. This is in addition to the time the crossing will be blocked due to regular daily train movements. These train movements create operating and safety problems when train crews operate across a street and block the crossing to pedestrian and vehicular traffic.

The witness recommended that if the crossing is opened it should be protected by two Standard No. 8 flashing light signals augmented by automatic gates with predictors. All studies

that have been made in connection with protection at railroad grade crossings have shown that the use of automatic gates with predictors increases the protection to the public to such an extent that their additional cost is amply justified. He estimated that the cost of installation of the protection would be \$26,425 with an annual maintenance cost of \$1,279. An additional \$2,500 to \$3,000 will be required to prepare the track in the area within two feet outside of outside rails. In the witness's opinion all these costs should be borne by applicant.

#### Staff Evidence

The Commission staff presented no evidence but took the position that the application should be denied. The staff reasoned that the area in question is adequately served by four major streets: Edinger Avenue and Warner Avenue crossing the tracks and Grand Avenue and Standard Avenue paralleling the tracks. Further, the City's use estimate of 900 vehicles per day does not justify a crossing at this location.

#### Discussion

The Commission, when considering an application for authority to construct a new crossing at grade, must determine whether the public need for the proposed crossing outweighs the elements of hazard inherent therein.

The hazard created by opening the proposed grade crossing is small. Train movements over the line are not excessive and vehicle movement over the crossing will be light. Crossings that are protected by automatic gates have excellent safety

records and the proposed crossing will have such protection. When predictors are used in conjunction with the gates, delay and inconvenience to the traveling public is kept at a minimum. Opening the proposed crossing will not unduly interfere with the operation of Southern Pacific's trains.

On the other hand, the benefits to be derived from the opened crossing are substantial. Applicant does not want the crossing opened merely for the convenience of a small number of automobile drivers; rather, there is a pressing need for improved police and fire protection in the vicinity of the crossing. Improving ingress and egress to this area will help satisfy this need. Also, improved access will make the area more attractive to new industry and will facilitate transportation for those having business in the area.

#### Findings of Fact

1. Applicant proposes to establish a crossing at grade at St. Gertrude Place over Southern Pacific's track.
2. The area that the crossing will serve is partly residential and partly industrial. The area suffers from a lack of direct access streets for emergency vehicles. At present St. Gertrude Place has two segments, each terminating at the railroad track. The proposed crossing will connect these two segments and provide an additional direct route for the use of police cars, fire trucks, ambulances, and others.
3. The industrial area in the vicinity of St. Gertrude Place is subject to vandalism. Opening the crossing will permit increased police protection in this area.



4. The opened crossing will make the area more attractive to new industry and will facilitate the conduct of businesses already established.

5. Standard No. 8 flashing light signals augmented by automatic gates with predictors increase safety at grade crossings. Grade crossing predictors eliminate unnecessary actuation of gate arms. To provide reasonable protection at the crossing two Standard No. 8 flashing light signals, each augmented by automatic gates with predictors, should be installed.

6. Public convenience, necessity, and safety require that a crossing at grade be opened at St. Gertrude Place over the track of the Southern Pacific Company and that said crossing be protected by two Standard No. 8 flashing light signals, each augmented by automatic gates with predictors.

7. Costs should be apportioned as set forth in the ensuing order.

The Commission concludes that the application should be granted subject to the conditions set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. The City of Santa Ana is authorized to construct St. Gertrude Place at grade across the track of the Southern Pacific Company to be identified as Crossing No. BK-519.0 in

accordance with the plans set forth in its application, subject to the conditions set forth herein.

2. There shall be installed at the crossing two Standard No. 8 flashing light signals, each augmented by automatic gates with predictors.

3. Applicant shall bear 100 percent of the costs of construction of the grade crossing including the costs of necessary preparation of track within the limits of the crossing and paving work within and outside lines two feet outside of outside rails. ✓  
✓  
✓

4. Applicant shall bear 100 percent of the installation costs of the automatic grade crossing protection.

5. Maintenance costs of the automatic grade crossing protection shall be borne by applicant, in accordance with Section 1202.2 of the Public Utilities Code.

6. The Southern Pacific Company shall bear the cost of maintenance of the crossing within lines two feet outside of outside rails and applicant shall bear the cost of maintenance of the crossing and approaches outside of said lines.

7. Within thirty days after completion of the work herein authorized the City of Santa Ana and the Southern Pacific Company shall each notify the Commission in writing of their compliance with the conditions hereof.

8. All crossing protection specified in this order shall be fully installed and placed in operable condition before the crossing is opened to the public. ✓  
✓

9. Authorization to construct said crossing shall lapse if the crossing is not completed and prescribed protection installed within two years after the effective date of this order, unless time is extended.

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

Dated at San Francisco, California, this 27<sup>th</sup> day of SEPTEMBER, 1966.

*John E. Mitchell* President  
*George T. Grover*  
*Fredrick B. Hoblitt*  
*Augusta*  
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 Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

