

ORIGINALDecision No. 71317

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of the City of Montebello to
construct a Public Road across
the Right of Way of the Atchison,
Topeka and Santa Fe Railway Company
at Union Street, Montebello

Application No. 48281
(Filed March 2, 1966)

John Lathrop & Robert J. Mimiaga,
for applicant.
Donald L. Stone, for The Atchison,
Topeka and Santa Fe Railway Company,
interested party.
William L. Oliver, for the Commission staff.

O P I N I O N

Applicant seeks authority to establish a crossing at grade at Union Street in the City of Montebello over a spur track of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe). Appendix A, attached hereto, is a diagram showing the proposed crossing and vicinity.

Public hearing was held before Examiner Robert Barnett at Los Angeles on August 9, 1966, at which time the matter was submitted.

At present Union Street crosses the spur track at the point where the proposed grade crossing is to be situated. It is a two-lane road in very poor condition which was constructed across the spur track without authorization by this Commission, and which has no installed grade crossing protection.^{1/}

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A flagman controls vehicular traffic when a train crosses Union Street.

This application was filed to obtain proper authorization for the grade crossing and its protection. Concurrently with improving the grade crossing, the City will improve the whole length of Union Street.

The spur track serves several industries in the area of the Union Street crossing. No other public crossings exist between the main line track of the Santa Fe and the end of the spur track. The area is expected to grow but no new streets are contemplated to be built across the spur track. The public can gain access to the industries served by the spur track only by means of Union Street. Almost 1,000 vehicles per day use the crossing, for the most part between the hours of 6:00 a.m. to 8:00 a.m. and 2:00 p.m. to 5:00 p.m. There have been no recorded accidents at this crossing since Union Street was opened in 1950.

There are three freight train movements a week over the crossing; these take place in the afternoon. A locked gate across the spur track on the north side of the crossing prevents the freight trains from entering the crossing without coming to a full stop and having a crewman open the gate. As the train enters the crossing, at about 5 mph, a flagman controls vehicular traffic. It was stipulated by Santa Fe that the present procedure, locked gate and flagman, would continue to be followed. For these reasons applicant, Santa Fe, and the Commission staff recommend that the grade crossing be protected by two Standard No. 1 crossing signs, reflectorized with reflex-reflective sheeting. No issue was raised regarding construction and maintenance costs.

There being no conflict in either the evidence or the recommendations for grade crossing protection, the Commission finds the foregoing statement of facts to be true, and further finds that

public convenience, necessity, and safety require that a crossing at grade be opened at Union Street, in the City of Montebello, across the tracks of the Santa Fe and that said crossing be protected by two Standard No. 1 crossing signs reflectorized with reflex-reflective sheeting.

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 Montebello is authorized to construct Union Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, to be identified as Crossing No. 2-150.0-C, 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. 1 crossing signs reflectorized with reflex-reflective sheeting.
3. No train, motor, engine, or car shall be operated across said Union Street unless highway traffic is protected by a member of the train crew or other competent employee acting as flagman.
4. Applicant shall bear 100 percent of the costs of construction of the grade crossing including the costs of preparing track necessary within the limits of the crossing and paving work within lines two feet outside of outside rails.
5. The Atchison, Topeka and Santa Fe Railway 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.

6. Within thirty days after completion of the work herein authorized the City of Montebello and The Atchison, Topeka and Santa Fe Railway Company shall each notify the Commission in writing of their compliance with the conditions hereof.

7. All crossing protection specified in this order shall be installed within six months after the effective date of this order unless time is extended.

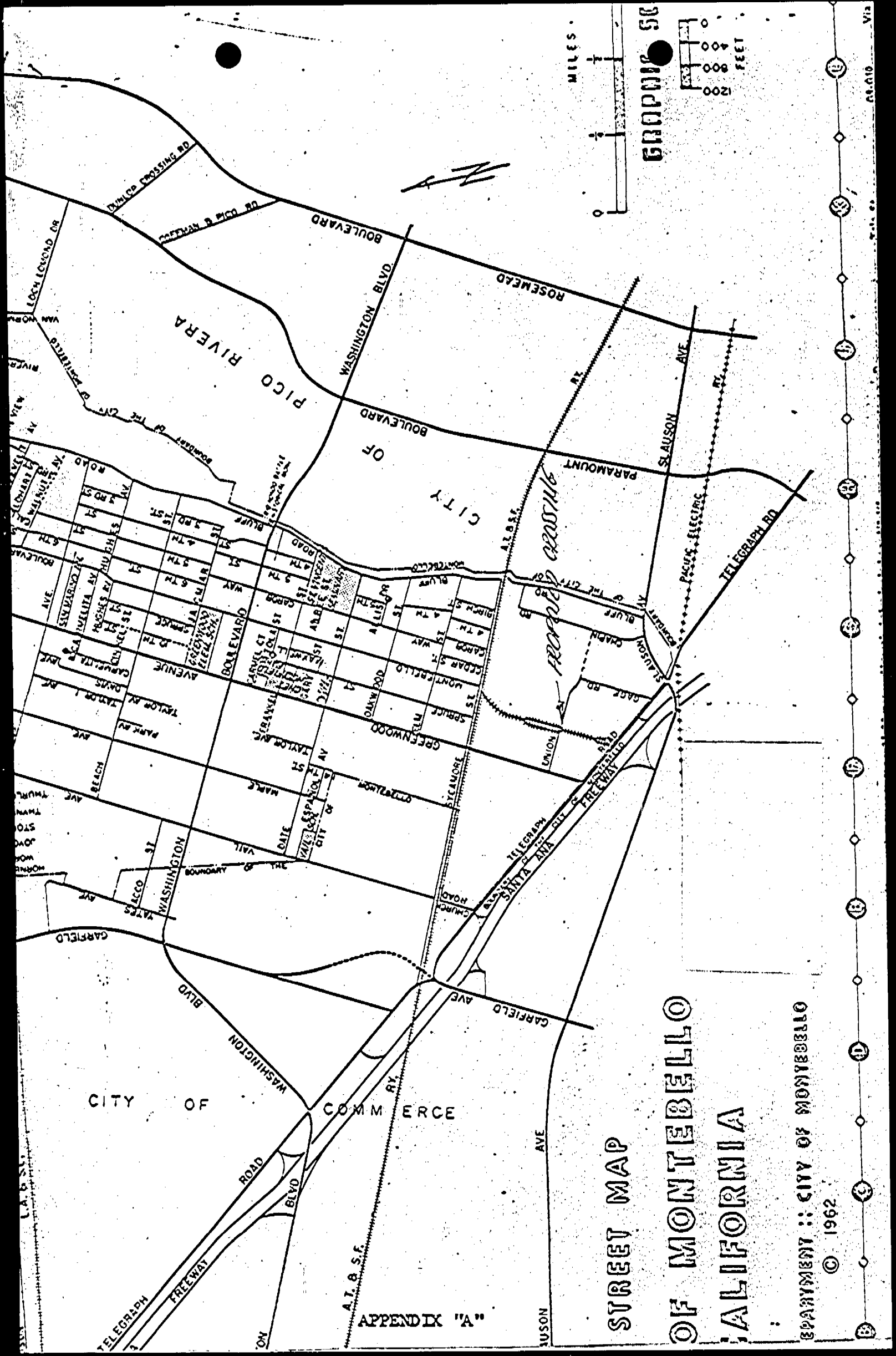
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of SEPTEMBER 1966.

Paul E. Mitchell President
George T. Glover
Fredrick B. Hallock
Augustus

 Commissioners

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



MILES .

0 1/4 1/2 3/4 1

0 100 200 300 400 500 FEET

GRAPHIC SCALE

STREET MAP
OF MONTEBELLO
CALIFORNIA

DEPARTMENT OF CITY OF MONTEBELLO
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APPENDIX "A"

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100