

ORIGINAL

Decision No. 71898

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the COUNTY OF ORANGE to construct a County Road across the Right of Way of The Atchison, Topeka and Santa Fe Railway Company at Linda Vista Street in the Atwood area.

Application No. 48415
(Filed April 19, 1966)

A. C. Wahlstedt, Jr., for applicant.
Donald L. Stone, for The Atchison, Topeka and Santa Fe Railway Company, protestant.
Alan R. Watts, City Attorney, for the City of Anaheim, interested party.
John P. Ukleja, for the Commission staff.

O P I N I O N

The County of Orange (County) requests authority to construct Linda Vista Street at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe).

Appendix "A" attached hereto is a diagram of the area.

Public hearing was held at Los Angeles on September 1, 1966 before Examiner Robert Barnett and the matter was submitted.

The proposed Linda Vista Street crossing is located in the northeast portion of Orange County, which portion, the County anticipates, will have a steady growth of population and industry until a saturation point is reached in about twenty years. To prepare for this growth, and to encourage it, freeways are being constructed, new roads are being opened, and present roads are being improved. To the south of the proposed crossing is the Riverside Freeway, to the north, the Yorba Linda Freeway. At a

distance roughly half-way between the two freeways lies Orangethorpe Avenue. In this area both of the freeways and Orangethorpe Avenue run in an east-westerly direction but all converge at a point approximately three miles east of the proposed crossing. To improve traffic circulation in the area and to provide for the anticipated growth of the area connecting links are needed between the two freeways. One of these links, as proposed by the County, is Linda Vista Street.

Immediately south of Orangethorpe Avenue, in the area of the proposed crossing, Santa Fe operates main line tracks running in an east-westerly direction. These tracks carry 31 train movements per day. A flood control channel, 30 feet wide, lies 30 feet to the south of these tracks. Approximately 3,000 feet east of the proposed crossing Santa Fe's Olive District branch track veers off from the main tracks in a southerly direction.

The nearest crossings to the proposed crossing are at Jefferson Street, approximately 1,700 feet to the east, Van Buren Street, approximately 3,500 feet to the east, Taylor Street, approximately 7,000 feet to the east, and Dowling Street, approximately 6,000 feet to the west. Taylor Street and Dowling Street will provide north-south links between the Riverside and Yorba Linda freeways. Jefferson Street, from the south, crosses Santa Fe's main line tracks and dead ends, for practical purposes, at Orangethorpe Avenue. Van Buren Street, from the north, dead ends, for practical purposes, at Orangethorpe Avenue. Although it does continue across the main line tracks it does not connect with any major street on the south side of the tracks. Linda Vista Street extends northerly from Orangethorpe Avenue and becomes Rose Drive at the Yorba Linda Boulevard intersection. Rose Drive

continues in a northerly direction where it will interconnect with the proposed Yorba Linda Freeway. Linda Vista Street, at present, does not extend southerly of Orangethorpe Avenue (the Appendix "A" map is erroneous in this respect). The County proposes to construct Linda Vista Street in a southerly direction across Santa Fe's main line tracks to connect with the City of Anaheim's (City) proposed construction of Linda Vista Street in a northerly direction from its intersection with Jefferson Street. The City's construction will cross the Santa Fe's Olive District branch line at grade. Application No. 48743, filed August 25, 1966 by the City, seeks authorization for this grade crossing. The County's proposal and the City's proposal are interdependent and if the County's application is denied the City's application becomes moot.

Santa Fe and the Commission staff oppose construction of the County's grade crossing at Linda Vista Street. It is their opinion that any crossing of the tracks in this area should be at separated grades. To assist the County in paying for a crossing at separated grades Santa Fe and the staff recommend the concurrent closing of the Jefferson Street grade crossing across Santa Fe's main line tracks. In this way the County might become eligible to participate in the Grade Separation Fund.

The only testimony presented by any party at the hearing was that of an engineer for the County. In substance, his testimony was that:

The proposed crossing is within an area known as the Yorba Linda area which area has been the subject of comprehensive planning by the Orange County Planning Department. Within this area extensive preparations have been made for residential and industrial development. Many streets will have to be improved if traffic circulation is to be adequate. Orangethorpe Avenue will be

developed into a six-lane divided highway. At its ultimate development, Linda Vista Street will have some sections of six-lane divided highway and some sections of four-lane divided highway, depending upon the territory it passes through. However, present development requires no more than a two- or four-lane undivided highway. Linda Vista Street, rather than Jefferson Street, was chosen for development by the County and the City because of terrain and land use problems north of Orangethorpe Avenue. The terrain north of Orangethorpe Avenue is medium hilly country. To the east of Linda Vista Street there is considerable oil exploration and production. Linda Vista Street bypasses this oilfield but Jefferson Street would have to go right through it. The agencies involved believe that constructing Jefferson Street through the oilfield would entail excessive severance damages plus high construction costs. For these reasons Linda Vista Street was chosen for expansion.

The County proposes to construct the grade crossing to a width of 102 feet from curb to curb which provides for three lanes of traffic in each direction and a 14-foot divider. This crossing will taper down to a four-lane undivided highway which is more than adequate to handle the anticipated traffic upon opening. The highway will be widened as traffic conditions warrant.

In the witness's opinion a grade separation will eventually be necessary at this crossing and if money were available he would recommend that it be built now. However, the crossing, when opened, is expected only to carry 2,500 cars per day. Jefferson Street carries 5,000 cars daily and half of these are expected to utilize Linda Vista Street when it is opened. In ten years Linda Vista Street is expected to carry 18,000 vehicles per day with its maximum capacity of 35,000 vehicles per day reached in about twenty years.

The County reached its decision to build a grade crossing rather than a grade separation after considering the costs involved. They considered two possible designs for a grade separation and the costs of each. These designs assume that both Orangethorpe Avenue and Linda Vista Street will have an ultimate capacity of 35,000 cars per day and that it is necessary that the two streets intersect. The designs are:

1. (Exhibit No. 4) Construct Linda Vista Street over the railroad, the flood control channel, and Orangethorpe Avenue. Orangethorpe Avenue would remain at its present grade which is approximately level with the railroad grade. In order to maintain the free movement of traffic between the two highways it would be necessary to provide accessory ramp facilities similar to those found at freeway crossings over local streets. At this location complications arise since there is limited access to the south side of Orangethorpe Avenue because of the railroad tracks. Therefore, all of the connecting facilities have to be on the north side of Orangethorpe Avenue. This would require the acquisition of considerable right of way on the northwest and northeast sides of the intersection. The total cost of this design is \$705,000.

2. (Exhibit No. 5) Construct Linda Vista Street over the railroad tracks and the flood control channel and bring Orangethorpe Avenue up to the same grade as Linda Vista Street as it crosses the railroad, thereby maintaining an intersection at grade between the two streets. In so doing, complete freedom of movement would be provided between these two streets as at a normal intersection and there would be normal traffic controls. This design eliminates the need for ramp interconnections but requires Orangethorpe Avenue to be raised to a height of 30 feet which, in turn, means going back approximately 500 feet along Orangethorpe Avenue on each side of

the intersection to construct approach slopes. Because of these slopes a retaining wall must be built along the south side of Orangethorpe Avenue. The total cost of this design is \$820,000.

The design that raises Orangethorpe Avenue is preferable from a traffic viewpoint because it contemplates a normal street intersection. The Exhibit No. 4 design, with all its ramps on one side of the highway, is expected to cause confusion and create a traffic hazard.

A crossing at grade at this intersection will cost \$115,000.

The County realizes that if Jefferson Street is closed it would be eligible to participate in the Grade Separation Fund. However, it does not wish to avail itself of this aid for five reasons:

1. The Jefferson Street crossing is needed for proper traffic circulation in the area; to close it would immediately increase the traffic on Linda Vista Street by 2,500 cars per day. Further, it would create a circuitous route, increasing travel distance from one-half to one mile, for traffic that would normally utilize the Jefferson Street crossing.

2. Closing the Jefferson Street crossing could create a liability to the County of as much as \$200,000 in severance damages to property owners in the area.^{1/}

^{1/}

Briedordt v. Southern Pacific, 61 Cal.2d 659 (1964)

supports the proposition that the property owners affected would have a right of action against the County; whether they would recover damages, and the amount thereof, is another matter.

3. It is uncertain what portion of the costs of constructing an overpass will participate in the Grade Separation Fund. Much of the cost of a grade separation at this crossing is composed of items that might not qualify for participation.^{2/} The County's share of the grade separation costs, assuming the closing of the Jefferson Street crossing, could be as much as \$500,000.

4. The County will utilize the apportionment benefits of Section 1202.5(b) when it constructs a grade separation at Linda Vista Street (which it expects to do in about ten years) and closes the grade crossing that it wishes to build now.

5. The County has budgeted \$2,400,000 for the construction of highways in the unincorporated territory of the County, including the amount necessary for a grade crossing at Linda Vista Street. If a grade separation is required^{3/} either the County would have to postpone the project for approximately four years in order to accumulate the necessary construction funds or sacrifice other projects which it feels are more needed at this time.

The Commission staff and the Santa Fe presented no testimony, but argued that the crossing should be installed at separated grades because the approach grades on Linda Vista Street are favorable for such construction; the traffic on Linda Vista Street is going to increase as a result of new freeways and increased industrial development; few persons would be inconvenienced by closing the Jefferson Street crossing thereby making the County eligible to participate in the Grade Separation Fund; property values and construction costs are cheaper now than they would be in the future;

^{2/} Just which items might not qualify were not specified in the testimony.

^{3/} An order denying the County's request for a grade crossing does not, in so many words, require a grade separation but the implication is obvious - build a grade separation or build nothing.

and, of course, a grade separation is much safer than a grade crossing. These arguments, standing alone, are not sufficient.

The deficiency in the staff and Santa Fe's presentation is not that it is by way of argument rather than sworn testimony, but that there is no evidence to support some of these assertions and that the most important parts of the County's case remain unrefuted.

There is little, if any, dispute that crossings at separated grades are safer than those at grade; that Linda Vista Street will carry increasing amounts of traffic; that if the Jefferson Street crossing were closed the County might participate in the Grade Separation Fund; that property values and construction costs are cheaper now than they would be in the future; and that if any crossing is constructed it should be at Linda Vista Street.

However, no evidence was presented to refute the County's main objections to a crossing at separated grades: that the Jefferson Street crossing is needed; that even if the Jefferson Street crossing were closed the County's participation in the Grade Separation Fund would be relatively small; and that the cost of building a grade separation at this time is so high that to require it to be built will result either in a delay of approximately four years to accumulate the necessary funds or a diversion of funds from other necessary highway projects.

Findings of Fact

1. Applicant proposes to establish a crossing at grade at Linda Vista Street over Santa Fe's tracks.

2. The area that the crossing will serve is partly residential and partly industrial. The area is growing rapidly and, with the construction of nearby freeways, needs additional streets to handle

the anticipated traffic growth, to improve traffic circulation, and to connect freeways. Linda Vista Street will serve in all three capacities.

3. Jefferson Street approaches Orangethorpe Avenue from the south and crosses Santa Fe's track approximately 1,700 feet to the east of the proposed crossing. The Jefferson Street crossing carries 5,000 cars a day which will be reduced to 2,500 cars a day when the Linda Vista Street crossing is opened. To close the Jefferson Street crossing would immediately increase the anticipated traffic on Linda Vista Street by an additional 2,500 cars per day. The Jefferson Street crossing is needed for proper traffic circulation in the area; its closing would create a circuitous route for the traffic that normally uses it.

4. The proposed grade crossing will cost \$115,000 to construct. A grade separation will cost \$820,000 to construct. Applicant has budgeted \$2,400,000 for the construction of highways in the current fiscal year which sum includes \$115,000 to construct the proposed grade crossing. If a grade separation is required applicant would have to postpone the project for four years in order to accumulate funds. Such postponement would create an economic burden in the area and would create unwarranted hardships for those living and working in the area.

5. Public interest does require that the Jefferson Street crossing remain open.

6. Public interest does require that a crossing at grade be opened at Linda Vista Street over the tracks of the Santa Fe and that said crossing be protected by four 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 County of Orange is authorized to construct Linda Vista Street at grade across the track of The Atchison, Topeka and Santa Fe Railway Company to be identified as Crossing No. 2B-41.5 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 four Standard No. 8 flashing light signals, each augmented by automatic gates with predictors.

3. The railroad signals and adjacent traffic signals shall be interconnected so that in the preemption phase initiated by an approaching train, the traffic signals regulating movement of traffic from the crossing area shall first display a green interval of sufficient length to clear all vehicles from the track area.

4. 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.

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

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

7. 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.

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

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

10. 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 20th day of JANUARY, 1967.

[Signature]
President

[Signature]

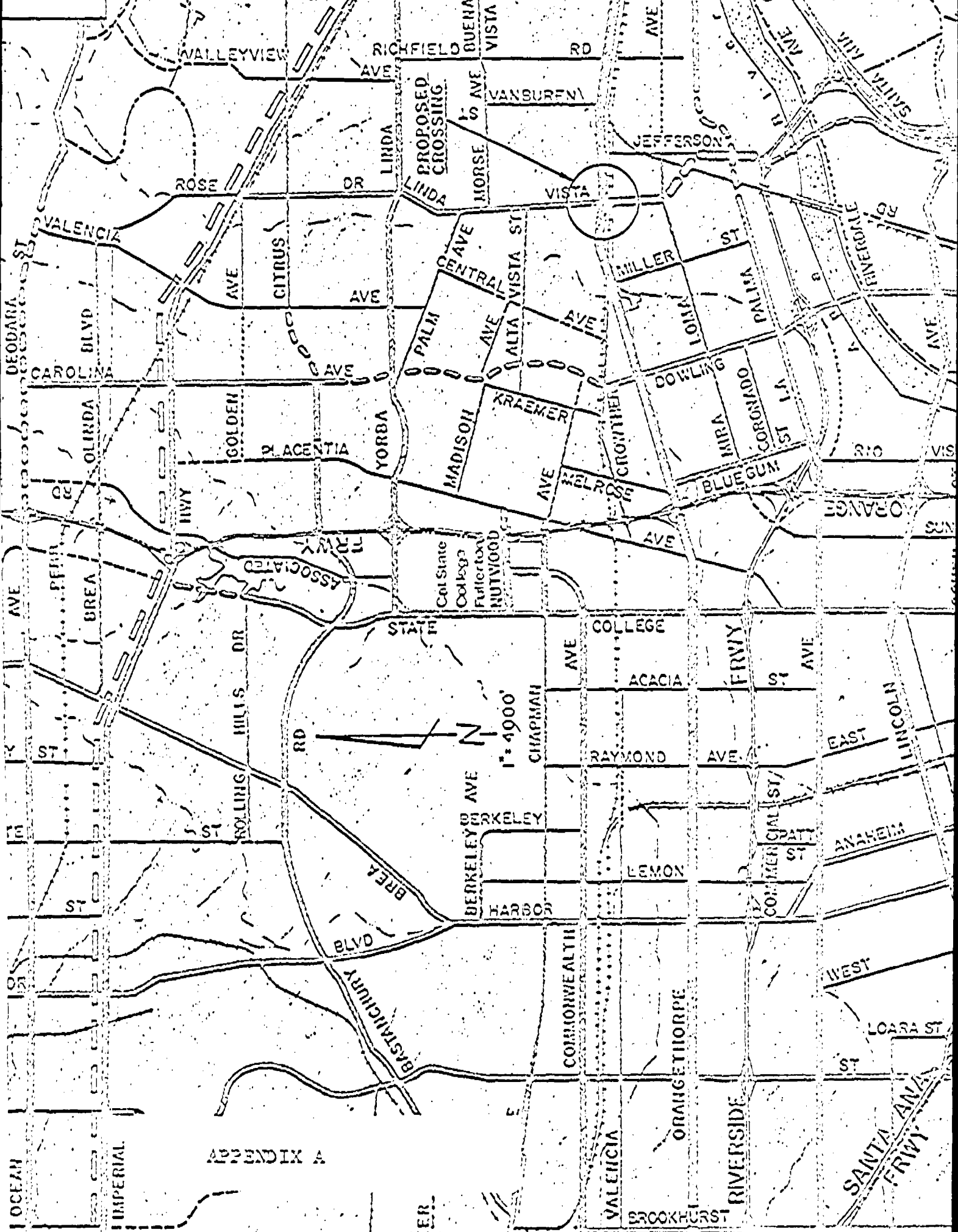
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Commissioners

Commissioner WILLIAM SYMONS, JR. did not participate in the disposition of this proceeding.

AREA MAP
LINDA VISTA AVE.
CROSSING
AT A.T. & S.P. RR



APPENDIX A

OCEAN
IMPERIAL

E.E.R.

SANTA ANA
FRWY