

ORIGINAL

Decision No. 75795

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the CITY OF SAN CLEMENTE)
to construct a pedestrian crossing at)
grade of The Atchison, Topeka and)
Santa Fe Railway Company tracks.)

Application No. 50569
(Filed September 24, 1968)

Kenneth E. Carr, for applicant.
R. D. Hayes, for The Archison,
Topeka and Santa Fe Railway
Company.
John P. Ukleja, for the Commission
staff.

O P I N I O N

Public hearing on the application was held before Examiner Rogers in San Clemente on March 13 and 14, 1969. Briefs were filed and the matter was submitted. It is ready for decision.

The City of San Clemente (City) requests authority to construct a 15-foot wide pedestrian grade crossing of the single line of track of The Atchison, Topeka and Santa Fe Railway Company (Railway) in the City at the site of an existing pedestrian underpass (Crossing No. 2-204.8-BD). The location is shown on Appendix "A" attached hereto. The City proposes that the crossing be protected by hydraulic gates and bells actuated by approaching trains. The Commission's records show that normal train traffic consists of two freight trains per day in each direction with permitted speeds of 60 miles per hour, and three passenger trains per day in each direction with permitted speeds of 75 miles per

hour. In addition to the regular traffic, during the Del Mar horse racing season, July, August and September, there are four more passenger trains in each direction with permitted speeds of 75 miles per hour.

The existing underpass was constructed in 1927. There is a platform rising five steps above the south curb of Avenida Victoria (Exhibits Nos. 11 and 13). From this platform pedestrians use a total of 33 steps to descend to a tunnel under the Railway's track. They then go up 17 steps to the pier side of the track (Exhibit No. 2). Thirty-six-inch conduits for water drainage extend from the south curb at the platform, parallel the tunnel, and empty on the ocean side of the track (Exhibit No. 2). There is an existing pedestrian overpass .3 miles south (Crossing No. 2-205.1-AD), and a private vehicle crossing to service the pier and a lifeguard station approximately 500 feet north of the underpass.

The City's Director of Public Works testified that the underpass was constructed in 1927 to provide access to the beach and pier; that the structure provides drainage from the Avenida Victoria to the ocean; that the steps on Avenida Victoria are to prevent storm waters from flooding the underpass; that no drainage was provided in the underpass as it is below mean sea level; that when the tunnel was built there were few retirees; and that the population explosion following World War II has made a tremendous difference in the number and ages of people using the beach.

The director further testified that the people of the City have demanded modification of the underpass; that the storm drains preclude its modification; that the City has concluded that a grade crossing would meet the needs of all parties concerned; and that the City wishes to protect its citizens from the hazards of a rail crossing, but realizes that the people who use the beach cross the railway at various points along the 3.5 miles of beach in San Clemente.

The director stated about 60 percent of the people who use the beach use the underpass; that the balance cross the Railway at other points; that the City wishes to provide safe controlled access to the beach; that such access must be provided for both able bodied people and people in wheelchairs who cannot use stairs; and that a grade crossing is needed.

The director further testified that the City has considered a straight ramp for the underpass with a wall on the curb side of the sidewalk, and rejected it; that lights and a drop gate adequately protect the pedestrians; that 16,000 City residents use the beach, plus others from out of town; that a ramp approach to the underpass would result in a 20 percent grade; that a 20 percent grade is not justifiable and cannot be negotiated with wheelchairs; and that the City wants to cross at grade. The director stated that the City has always been of the opinion that ramps are not desirable.

The City's Chief Lifeguard testified that annual beach attendance has increased from 128,000 in 1957 to 1,466,000 in 1968; that approximately 60 percent use the underpass; and that in the school vacation period approximately 6,000 persons per day use the underpass between 6:00 A.M. and midnight.

The City Clerk testified that commencing in 1959 the City Council expressed interest in modification of the pier entrance; that it determined that ramping was not practicable; that in May, 1967, the City Council directed studies concerning an underpass; that two possible ramping plans were studied but determined not feasible due to excessive cost and the location of the storm drains; that there was a citywide contest to seek public suggestions; that there were 14 plans submitted, three of which were for grade crossings; and that the City Council voted to seek a grade crossing.

The Mayor, who is forced to use a wheelchair, testified that the crossing is of vital concern to the City; that there are charter boat trips from the pier and some elderly people have had to stop going as they cannot use the steps to the underpass; that a large number of retired folks cannot use the beach as they cannot get there; that he is strong enough to use a ramp, but many wheelchair users cannot; and that he has seen the underpass with three feet of water therein.

The President of the San Clemente Coordinating Council testified that there is a need for modification of the existing pier entrance. He presented a petition with 81 signatures, which

contains the statement: "We further urge the City to proceed now to have the pier entrance modified, with the best engineering features and the most attractive design and landscaping." The president stated the people want an improvement in the crossing and are leaving the method to the City Manager.

The immediate past president of the San Clemente Chamber of Commerce testified that he was a member of the Chamber for three years; that the pier entrance modification came up each year; that when suggestions for modification were requested, no one thought of a grade crossing; that the Chambers' proposed plan showed a large circular ramp and the City Engineer threw this out because of the storm drains; that many people would like to see the access improved; that tourism is one of the most important things to a beach city; and that he would prefer a grade crossing because of utility.

A real estate broker who had had her office directly across the street from the tunnel entrance stated that many elderly people told her that they wished there was an easier way to get to the beach; that she supports anything that will enhance the beach area for citizens of all ages; and that a beautiful underpass would be wonderful.

The Railway's Regional Engineer testified that there is a private crossing for vehicles servicing the pier and lifeguard station approximately 400 feet west of the underpass on the alignment of Del Mar Avenue. He presented a plan showing ramps in place of the existing steps and stated that the incline

on each side of the underpass would be 15 percent (Exhibit No. 7); that this permits a nine-foot-wide sidewalk on Avenida Victoria; that the ramp could be constructed without disturbing the two drainage pipes (Exhibit No. 8); and that the underpass could be lighted to prohibit concealment of undesirable characters.

The engineer also presented a plan using looped ramps with 10 percent grades (Exhibit No. 9). The engineer stated that only one drain pipe would necessarily be relocated if this plan were used. This plan would also permit view of the entire underpass from the top of the ramps.

The railroad also suggested a plan for an overhead passage with circular ramps (Exhibit No. 10).

The witness stated that the underground passage could be kept free of flood waters by means of pumps, and that there is, at present, no known way to prevent pedestrians from walking around gates and going on the tracks.

The City agreed to bear all expenses connected with an at grade crossing, including necessary protection.

Findings

1. There presently exists a pedestrian underpass between Avenida Victoria and the beach in the City of San Clemente. This underpass has steps on each end thereof.

2. The City of San Clemente desires to abandon this underpass and substitute therefor a grade crossing for pedestrians at the same location. This crossing would be over the single line of track of The Atchison, Topeka and Santa Fe Railway Company's line from Los Angeles to San Diego.

3. The City will pay all costs and will install and pay for any protection required by this Commission.

4. The normal train traffic at the crossing site consists of two freight trains per day in each direction, with an authorized speed of 60 miles per hour, and three passenger trains per day in each direction, with an authorized speed of 75 miles per hour. During the Del Mar racing season, July, August and September, there are four more passenger trains in each direction at the permitted speed of 75 miles per hour.

5. During the school vacation period, commencing in June each year, approximately 6,000 persons per day use the underpass between 6:30 A.M. and 12:00 midnight.

6. The principal reason the City desires to substitute a grade crossing for the underpass is that numerous elderly people reside in or come to San Clemente to enjoy the beach served by the underpass. In addition, many people confined to wheelchairs would like to use the beach. The elderly people have difficulty in negotiating the steps. Wheelchair users cannot use the underpass.

7. There are no other pedestrian crossings in the area except an overpass .3 miles south which is reached by stairs.

8. The railroad objects to an at grade crossing. It suggested modifications of the underpass which would involve ramps with grades of 15 percent, 10 percent, or even less.

9. An at grade crossing would be extremely hazardous due to the speed of the trains, the frequency of the trains, and the number and type of pedestrians who would use the grade crossing in the summer time.

10. The existing underpass can be modified to permit access to and from the beach by elderly and disabled persons.

11. Public safety requires that the application be denied.

We conclude that the application should be denied.

O R D E R

IT IS ORDERED that the above-entitled application be, and it hereby is, denied.

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

Dated at San Francisco, California, this 17th day of JUNE, 1969.

William S. ...
President
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...
Commissioners

