

ORIGINAL

Decision No. 76825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the CITY OF SANTA ANA to Construct
Santa Ana Boulevard across the Right
of Way of The Atchison, Topeka and
Santa Fe Railway Company

Application No. 51008
(Filed April 15, 1969)

J. A. Withers, for the City of
Santa Ana, applicant.

Robert B. Curtiss, for The
Atchison, Topeka and Santa Fe
Railway Company, interested
party.

John P. Ukleja, for the Commission
staff.

O P I N I O N

The City of Santa Ana (the City) requested authority to construct Santa Ana Boulevard across the right of way of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) in order to provide greatly improved access between downtown Santa Ana, including the rapidly developing Orange County Civic Center area, and the Santa Ana Freeway. The adjacent Fruit Street crossing (No. 2-175.2) is to be abandoned and closed upon the opening of the new crossing. A diagram of both crossings is attached hereto as Appendix A. In Decision No. 76142 dated September 10, 1969 the Commission granted the sought authority. The Commission noted that the City and the Santa Fe were not in agreement as to the apportionment of the installation and maintenance cost of the automatic crossing protection and, therefore, deferred

apportionment of costs pending formal hearing. Grade crossing protection was ordered to be four Standard No. 8 flashing light signals supplemented by automatic gates. (Supplemental Order, Decision No. 76296, dated October 21, 1969.) Public hearing on the issue of apportionment of costs was held on November 20, 1969 at Los Angeles before Examiner Robert Barnett.

By Decision No. 71563 (dated November 22, 1966 in Case No. 8102) the Commission ordered an upgrading of the existing Fruit Street crossing consisting of adding two automatic gates to the existing Standard No. 8 flashing lights. Time for completion of the Fruit Street improvements is June 30, 1970. All parties agree that if the proposed Santa Ana Boulevard crossing is promptly constructed and the Fruit Street crossing closed it would be impractical to increase the protection at Fruit Street. The estimate for improving the crossing at Fruit Street is \$13,059. The estimate for constructing the crossing at Santa Ana Boulevard is \$21,579.

In this proceeding the City asserts that the Santa Ana Boulevard crossing is an upgrading of the Fruit Street crossing and, therefore, costs of installation should be apportioned 50 percent to the public entity and 50 percent to the railroad. The staff supports this position. Santa Fe asserts that the Santa Ana Boulevard crossing is a new crossing and that costs should be apportioned 100 percent to Santa Ana. However, Santa Fe has agreed to apply its share of the cost of improving Fruit Street to the installation costs of Santa Ana Boulevard. Santa Fe has

also agreed to pay 50 percent of the automatic signal maintenance cost at the Santa Ana Boulevard crossing. The dollar amount in controversy is \$4,258, the difference between one half of the installation costs of the Santa Ana Boulevard crossing and one half of the installation costs of the Fruit Street crossing.

The sole point to be determined is whether the Santa Ana Boulevard crossing is an improvement of the existing Fruit Street crossing within the meaning of Commission standards for apportioning grade crossing protection costs, or a new crossing. If the crossing is determined to be a new crossing costs of installation of crossing protection should be assessed 100 percent to the applicant; if the construction is considered to be an improved crossing the costs should be allocated 50 percent to the public entity and 50 percent to the railroad.

In our opinion the proposed crossing of Santa Ana Boulevard across the tracks of the Santa Fe is an improvement of the existing Fruit Street crossing. If the Fruit Street crossing was widened and protected to the dimensions of the proposed Santa Ana Boulevard crossing there would be no question but that the cost of improving the grade crossing protection would be shared 50/50 between the City and the Santa Fe. There is no reason for a different division of costs merely because the crossing is moved 280 feet. (See Decision No. 75596 dated April 29, 1969 in Application No. 50306.)

Findings of Fact

1. The Santa Ana Boulevard crossing is a part of new street construction that will improve access between the Santa Ana Freeway and the Civic Center of Santa Ana. The Santa Ana Boulevard crossing is intended to act as a substitute for the existing Fruit Street crossing. The crossing is about 280 feet north of the Fruit Street crossing. The traveled way of Fruit Street is about 38 feet wide; Santa Ana Boulevard will be 74 feet wide. It is expected that all traffic now using the Fruit Street crossing will utilize the Santa Ana Boulevard crossing.

2. In conjunction with the construction of Santa Ana Boulevard other streets will be converted to one-way streets in order to improve the flow of traffic. Fruit Street is being eliminated as a major traffic carrier in order to improve street alignment and traffic flow. A section of Fruit Street will be barricaded, the crossing will be closed, and other sections will be incorporated into Santa Ana Boulevard. When Santa Ana Boulevard is completed driving between Civic Center and the freeway will be less hazardous, less congested, and cover a shorter distance. The Santa Ana Boulevard crossing will have greater protection than the Fruit Street crossing and consequently be safer for the public.

3. The Santa Ana Boulevard crossing is an improvement of the existing Fruit Street crossing, and public convenience and safety require its construction because of the growth of the community.

4. Costs should be apportioned as set forth in the following order.

The Commission concludes that the apportionment of the installation and maintenance costs of the automatic crossing protection ordered in Decisions Nos. 76412 and 76296 shall be as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The cost of installing grade crossing protection at the Santa Ana Boulevard crossing (No. 2-175.1) shall be apportioned equally between the City of Santa Ana and The Atchison, Topeka and Santa Fe Railway Company.

2. The maintenance cost of the grade crossing protection shall be apportioned equally between the City of Santa Ana and The Atchison, Topeka and Santa Fe Railway Company pursuant to Section 1202.2 of the Public Utilities Code.

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

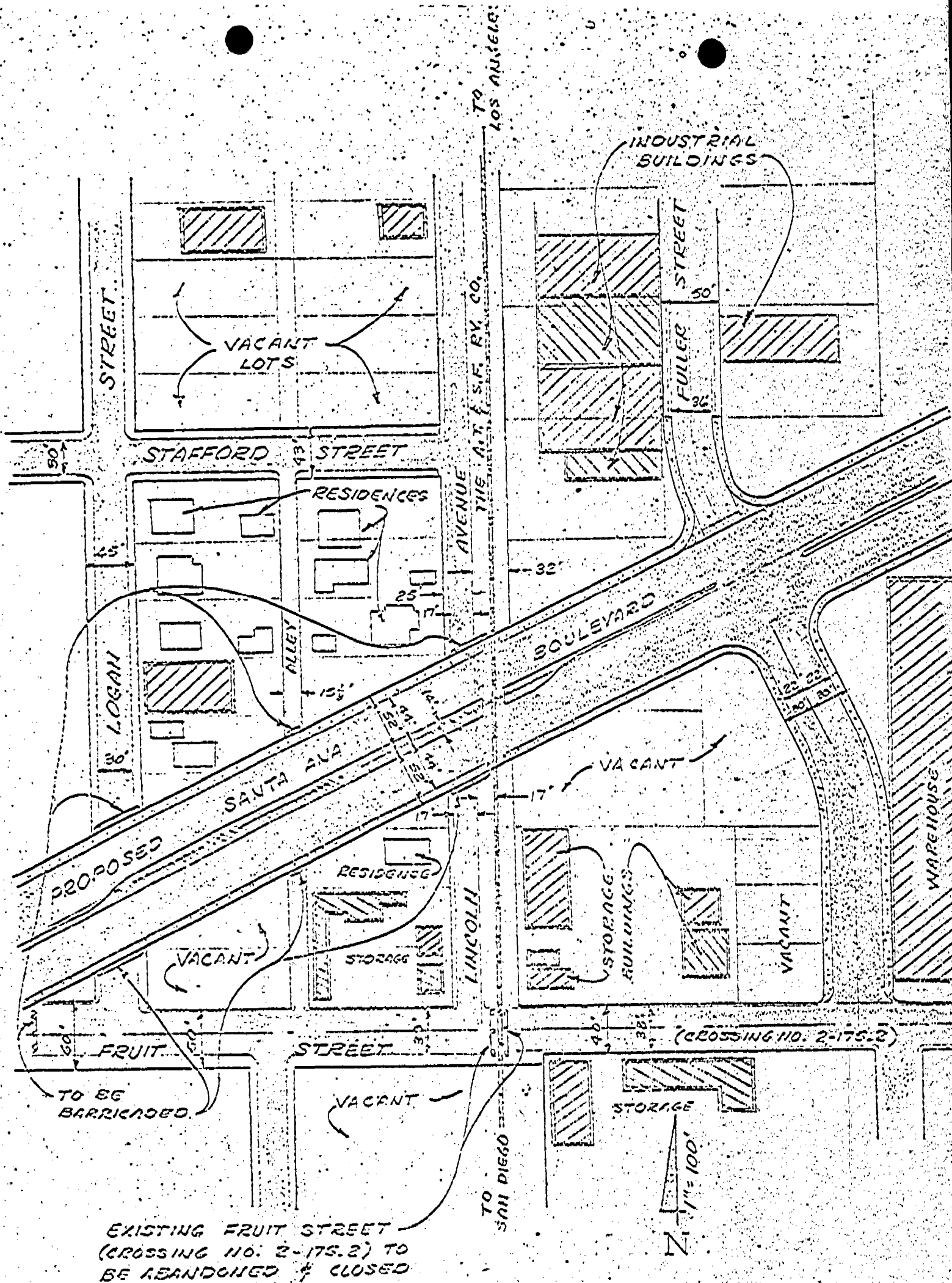
Dated at San Francisco, California, this 20th day of FEBRUARY, 1970.

William J. Jones, Jr.
President

Thomas J. Jones
Deanna L. Johnson
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.



STREET LOCATIONS IN VICINITY PROPOSED SANTA ANA BOULEVARD