

ORIGINAL

Decision No. 78783

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION OF THE ATCHISON, TOPEKA AND
SANTA FE RAILWAY COMPANY, a corporation,
for authority to construct, maintain and
operate six track crossings across
Desman Road, Knott Avenue and Dolly
Avenue in the City of La Mirada, County
of Los Angeles, State of California, and
for an order apportioning the cost of
installation of crossing protection at
two existing crossings in Lemont Avenue
and Knott Avenue in said City.

Application No. 52489

(Filed March 10, 1971)

Robert B. Curtiss, Attorney at Law,
for The Atchison, Topeka and
Santa Fe Railway Company, applicant.
Alex Googooian, Attorney at Law, for
the City of La Mirada, protestant.
John P. Ukleja, for the Commission's
staff.

O P I N I O N

Applicant seeks authority to construct six crossings of its tracks at grade over public streets within the City of La Mirada. It also proposes to improve the protection at another crossing which is located in the same general area as that in which the six crossings would be located.

Public hearing on the application was held before Examiner C. S. Abernathy at Los Angeles on April 26, 1971, and the matter was taken under submission for decision.

The six new crossings which would be established, and their proposed identifying numbers, are as follows:

Most westerly crossing of Desman Road	No. 2-160.82-C
Crossing of Desman Road just westerly of Knott Avenue	No. 2-160.92-C
Most easterly crossing of Desman Road	No. 2-161.33-C
Crossing of Knott Avenue	No. 2-160.95-C
Crossings (2) of Dolly Avenue	No. 2-161.09-C

The crossing at Knott Avenue is in addition to an existing crossing at that site.^{1/} Included in the work which is intended in connection with the additional crossing is a widening of the street and existing crossing to a width of 56 feet. To this extent the authority which is requested includes the widening of the street and the existing crossing.

Detailed engineering specifications showing the location, plan, profile and cross section of the proposed crossings are set forth in Exhibit "A" of the application.

Each of the crossings would be at grade. Assertedly a separation of grades is not practicable at this time. Applicant alleges that the expected use of the crossings does not justify or require the installation of any other protective measures beyond the requirement of reasonable speed regulations and of proper signals of approaching engines or railroad cars.

^{1/} The existing crossing of Knott Avenue is identified as No. 2-160.95-C. This same number would be applied to the new crossing also, since the same location is involved.

The trackage which is involved in the proposed crossings is that which applicant is installing to provide railroad service to and from a new facility of the Ford Motor Company which is nearing completion at a location north of Desman Road in the City of La Mirada.

Applicant proposes to protect the most easterly crossings of Desman Road and the crossings of Dolly Avenue each with two standard No. 8 flashing light signals and to protect each of the other crossings with two cantilever-type flashing light signals.

The crossing at which existing crossing protection would be improved is that at Lemont Avenue (Crossing No. 2-160.7-C), about 1,300 feet west of Knott Avenue. At present this crossing is protected by cross-bucks. Applicant proposes to substitute therefor two standard No. 8 flashing light signals.

The installation of the six new crossings was supported by the City of La Mirada as a necessary step toward the reasonable development of property within the city. The widening of Knott Avenue was advocated as a measure to provide better street access to the general area which is being developed.

By stipulation which was reached at the hearing applicant and the City of La Mirada agreed as to the proportions of the crossing costs, including the maintenance costs of the crossing protection, which should be borne by each.^{2/}

^{2/} The stipulation provided, amongst other things, that applicant would bear the costs of installing and maintaining crossing protection for the proposed crossing at Knott Avenue and would, in addition, bear certain costs involved in the improvement and protection of the existing crossing of Knott Avenue. Applicant declared that its agreement to assume the latter costs is based on special considerations peculiar to this instance, and should not be regarded as precedent for like action in a future matter.

Findings

1. The Atchison, Topeka and Santa Fe Railway Company is undertaking to extend its trackage to serve property which is being developed within the City of La Mirada.
2. The extension of said trackage includes the establishment of six crossings of public streets of the City of La Mirada.
3. Public convenience and necessity require the establishment of said crossings.
4. Public convenience and necessity require the widening of a present crossing of applicant's track over Knott Avenue (Crossing No. 2-160.95-C) and a corresponding widening of Knott Avenue at that location.
5. Public safety requires the installation and maintenance of the crossing protection hereinafter specified.
6. Public safety requires the improvement of crossing protection at Lemont Avenue.
7. The costs which are involved in the establishment of the six crossings involved herein, and in the installation and maintenance of crossing protection at said crossings and at Lemont Avenue, should be apportioned in accordance with the agreements between applicant and the City of La Mirada with respect thereto, as reflected by the following order.

Conclusions

1. Applicant should be authorized (a) to establish the six crossings herein proposed; (b) to widen, as proposed, its present crossing of Knott Avenue; and (c) to improve the crossing protection at Lemont Avenue.

2. The City of La Mirada should be authorized to widen Knott Avenue at the location of, and in conjunction with, the widening of Crossing No. 2-160.95-C.

3. Protection of said crossings should be provided and maintained as specified in the following order.

4. Construction costs, including crossing protection and maintenance costs, incurred in connection with said crossings should be apportioned as specified in the following order.

Applicant and the City of La Mirada both requested approval of the requests herein as soon as practicable. They anticipate that the new Ford facility will be completed by early September of this year, and they wish to have completed by that time the trackage and street work needed to serve the facility. In the circumstances the order herein should be made effective five days after the date hereof.

O R D E R

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is authorized:

- a. To construct crossings of its tracks at grade over Desman Road, Knott Avenue and Dolly Avenue in the City of La Mirada at the locations described in the application and identified as stated in the Opinion above.
- b. To widen its present crossing of Knott Avenue (Crossing No. 2-160.95-C) to a distance of 56 feet from curb to curb.

2. The City of La Mirada is authorized to widen Knott Avenue at Crossing No. 2-160.95-C to a distance of 56 feet from curb to curb.

3. Crossing protection shall be provided in connection with said crossings as follows:

<u>Crossing No.</u>	<u>Street Name</u>	<u>Protection (General Order No. 75-B)</u>
2-160.82-C	Desman Road	2 standard No. 8 flashing light signals augmented with additional flashing lights mounted on cantilever arms.
2-160.92-C	Desman Road	2 standard No. 8 flashing light signals augmented with additional flashing lights mounted on cantilever arms.
2-161.33-C	Desman Road	2 standard No. 8 flashing light signals.
2-160.95-C	Knott Avenue	2 standard No. 8 flashing light signals augmented with additional flashing lights mounted on cantilever arms.
2-161.09-C	Dolly Avenue	2 standard No. 8 flashing light signals.

4. The protection of Lemont Avenue crossing No. 2-160.7-C shall be improved by the installation of two standard No. 8 flashing light signals (General Order No. 75-B) as replacement of existing cross-bucks at that location.

5. Grades of approach to the crossings shall be as specified in Exhibit A attached to the application, which exhibit is made a part hereof by this reference.

6. Construction of the crossings shall be equal or superior to Standard No. 2 of General Order No. 72.

7. No obstructions shall be placed or remain near the flashing light signals which will impair the view thereof by motorists.

8. Costs of the construction and maintenance of the crossings and crossing protection shall be apportioned as follows:

- a. The Atchison, Topeka and Santa Fe Railway Company shall bear 100 percent of the construction costs of the Desman Road and Dolly Avenue crossings, and shall bear the maintenance costs of said crossings within lines two feet outside of rails at the Desman Road crossings and within lines two feet outside of outside rails at the Dolly Avenue crossings. The City of La Mirada shall bear maintenance costs of the crossings outside of said lines.
- b. The Atchison, Topeka and Santa Fe Railway Company shall bear 100 percent of the costs of preparing track necessary within the limits of Knott Avenue, as widened, and of any paving work which is within said limits of Knott Avenue and is also within lines two feet outside of outside rails. It shall also bear the maintenance costs of the crossings of Knott Avenue within lines two feet outside of outside rails. The City of La Mirada shall bear maintenance costs of the crossings outside of said lines.

- c. The costs of installing grade crossing protection at the Desman Road, Dolly Avenue and Knott Avenue crossings shall be borne by The Atchison, Topeka and Santa Fe Railway Company. Maintenance costs of the crossing protection shall also be borne by The Atchison, Topeka and Santa Fe Railway Company.
- d. The costs of installing and maintaining the improved crossing protection, hereinabove specified, at Lemont Avenue shall be borne equally by The Atchison, Topeka and Santa Fe Railway Company and by the City of La Mirada, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

9. No train, engine or car shall be operated over the crossings herein authorized until after the crossing protection ordered herein is installed and is in operation.

10. Within thirty days after completion of the work herein authorized, The Atchison, Topeka and Santa Fe Railway Company and the City of La Mirada shall each notify the Commission that said work has been completed.

11. The authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by further order of the Commission.

This order shall become effective five days after the date hereof.

Dated at San Francisco, California,
this 15th day of JUNE, 1971.

[Signature]
Chairman
William J. [Signature]
[Signature]
Sam L. Stinson
[Signature]
Commissioners