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ORIGINAL

Decision No. 78908

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
the CITY OF ANAHEIM to Construct a )  
City Street Across the Right of Way )  
of the Southern Pacific Railway )  
Company at Sunkist Street Approxi- )  
mately 899 Feet East of Cerritos )  
Avenue Crossing BM 512.9 )

Application No. 51939  
(Filed June 3, 1970)

John H. Dawson, for City of Anaheim, applicant.  
Walt A. Steiger, for Southern Pacific Transportation  
Company, protestant.  
John P. Ukleja, for the Commission staff.

O P I N I O N

The City of Anaheim proposes to improve Sunkist Street at the right-of-way of the Southern Pacific Transportation Company and requests authorization to open and construct a railroad crossing at Sunkist Street.

Public hearing was held before Examiner DeWolf at Los Angeles on April 23, 1971 and the matter was submitted on the same date.

Applicant's Exhibits 1 and 2 are designs and drawings of the proposed improvement.

A transportation engineer for the Commission staff examined the witnesses.

The city alleges that the crossing of Sunkist Street is required to serve the traffic that is being generated as a result of the rapid growth of the County of Orange and the surrounding area and to conform to the County Master Plan. It is stated that the crossing will accommodate approximately 10,000 vehicles daily immediately following construction.

The city alleges that a separation of grades at this crossing cannot be economically justified due to difficulty with grades, lack of right-of-way, relationship to adjacent intersection and the lack of funds to construct a separation as compared to other more critical locations in the city. Preliminary plans and designs of the proposed crossing and a map of the City of Anaheim at the area involved are attached to the application.

The City Traffic Engineer and the Chief Design Engineer for the City of Anaheim testified in support of the application as to the need for this railroad crossing at Sunkist Street.

The witnesses testified that a survey was made as to the necessity for the crossing which is to have four lanes of traffic and is a joint project with the County of Orange and that detail plans are completed and the project is ready for bids.

The witnesses for the city testified that they have no objection to the closing of Wasser Road outside the city; the first railroad crossing to the east of the proposed Sunkist Avenue. The city witnesses approved installation of crossing protection consisting of two Standard No. 8 flashing light signals with automatic gates and lights on cantilevers and provisions for installation of street signal work at the adjoining intersection to be done at the same time.

The public projects engineer for protestant testified as to crossing protection needed as recommended and estimated the total cost at the sum of \$33,000.00.

Findings

Upon consideration of the evidence the Commission finds that:

1. The allegations of the City of Anaheim in the application are substantially true and correct.
2. Sunkist Street has been designated to be improved as a secondary highway in the vicinity of Cerritos Avenue and to cross the Southern Pacific tracks, to conform to the Orange County Master Plan.
3. Public convenience and necessity require that said Sunkist Street be opened and that a grade crossing over the right-of-way of the Southern Pacific Transportation Company be constructed as hereinafter set forth.
4. Standard No. 8 flashing light signals augmented by automatic gates with flashing lights on cantilever arms increase safety at grade crossings.
5. To provide reasonable protection at the crossing, two Standard No. 8 flashing light signals, augmented by automatic gates with flashing lights on cantilever arms should be installed.

The Commission concludes that:

1. The application should be granted subject to the conditions set forth in the ensuing order.
2. Costs should be apportioned as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. The City of Anaheim is hereby authorized to construct Sunkist Street at grade across the tracks and right-of-way of the Southern Pacific Transportation Company, to be identified as Crossing No. BM-513.1. The width of the street portion of the crossing and the grades of approach shall be in accordance with the plan and profile attached to the application and as set forth in Exhibits 1 and 2. Protection shall be by two Standard No. 8 flashing light signals augmented by automatic crossing gates with additional flashing lights on cantilever arms.

2. The costs of constructing the crossing and approaches and preparing the tracks to receive pavement and the cost of installing the automatic crossing protection shall be borne by the City of Anaheim.

3. The cost of maintaining the crossing between lines two feet outside of outside rails shall be borne by the Southern Pacific Transportation Company. Cost of maintaining the crossing outside of said lines shall be borne by the City of Anaheim.

4. The maintenance costs for said automatic protective devices shall be borne by the City of Anaheim in accordance with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

5. Within thirty days after completion of the grade crossing pursuant to this order, the City of Anaheim and the Southern Pacific Transportation Company shall so advise this Commission in writing. The improvements ordered herein shall be completed within one year of the effective date of this order unless extended by further order of this Commission.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of JULY, 1971.

William J. ... Chairman  
[Signature]  
Vernon L. Sturgeon

Commissioners

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

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