

Decision No. 79300

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Orange requesting that the Chapman Avenue Crossing No. BM-518.4 across the Tustin Branch of the Southern Pacific Transportation Company in the City of Orange, Orange County, be placed in exempt status on an interim basis and that authority also be granted to remove the rails, flashing light signal and raised traffic islands from said crossing.

Application No. 52810
(Filed August 13, 1971)

O P I N I O N

On August 13, 1971 the City of Orange filed an application in which under Section 4, a, b, c, it is alleged as follows:

"a. It is the understanding of the City of Orange that the Southern Pacific Transportation Company is now, or in the near future will, seek formal authority to abandon that certain portion of the branch railroad track including that portion of track traversing Chapman Avenue. This branch railroad track on which the Chapman Avenue crossing is located is not at the present time being used for any rail traffic and has not been so used for over two and one half years, since February 1969, when heavy flooding washed out a portion of a railroad bridge over Santiago Creek south of the Chapman Avenue crossing.

"b. Chapman Avenue in the City of Orange is a heavily traveled thoroughfare and the public safety and convenience require, where practicable, a steady flow of traffic. The required stopping of busses and other similar vehicles at a crossing that is not being used for railroad crossing purposes can only result in needless congestion and unnecessary rear end collisions.

"c. Chapman Avenue is traveled by many construction trucks and gravel trucks. Because of the existence of the railroad track crossing Chapman Avenue, a rough vehicle roadway surface is created which causes the spillage and deposit of gravel, dirt, and other material resulting in a safety hazard on the street. Further, because of such

spillage, dust pollution is created for neighboring properties. The City of Orange must daily remove such debris with street sweeper vehicles. This activity disturbs the quiet enjoyment of owners of property devoted to residential homes as well as disturbing the owners of industrial and business premises nearby."

The city requests that this Commission issue its order granting exempt status under Section 22452 of the Vehicle Code on an interim basis for Chapman Avenue (Crossing No. BM-518.4) and further requests authority to remove the rails traversing Chapman Avenue together with the authority to remove the flashing warning signals and the raised street traffic islands to which the signals are attached, subject to the condition that the City of Orange be required to replace said track, signals and islands should the Southern Pacific Transportation Company be required to restore its train operation over said branch line including said railroad crossing which is the subject of this application.

By letter dated September 14, 1971, the Southern Pacific Transportation Company informed the Commission as follows:

"While we have some questions about the Commission's authority to authorize the exempt status, we will not oppose an order granting exempt status to this crossing or an order authorizing removal of signals and rails provided they shall be promptly restored whenever Southern Pacific desires at the sole cost of the City of Orange. Consent to the order is conditioned upon the Commission not attempting to make any new classification or redesignation of the tracks from branch line status."

In view of the above, it is the opinion of the Commission that the best interest of the public would be served if the automatic crossing protection, traffic islands and rails in the street were removed and street area repaved. The cost of such removal and any restoration thereof, should such restoration become necessary, would be borne by the applicant as stated in the application.

The need to reclassify the crossing to provide exempt status, as requested by the city, would thus be unnecessary.

O R D E R

The City of Orange is hereby authorized to remove the existing four Standard No. 8 flashing light signals supplemented with automatic crossing gates, raised street traffic islands and rails in the crossing area of Chapman Avenue (Crossing No. BM-518.4) across the Tustin Branch of the Southern Pacific Transportation Company. The entire cost of such removal shall be assumed by the City of Orange.

Such signals, traffic islands and rails shall be promptly restored whenever Southern Pacific Transportation Company desires at the sole cost of the City of Orange.

Within thirty days after the completion pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within one year unless time be extended or if above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1971.

[Signature]
Chairman
[Signature]
[Signature]
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Commissioners