

Decision No. 73587

ORIGINAL

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 Atchison, Topeka and Santa Fe)
Railway Company at Kellogg Drive.)

Application No. 52618
(Filed May 13, 1971)

Investigation into the safety,)
maintenance, operation, use and)
protection or closing of the)
crossings at grade of Trinidad)
Street with tracks of The Atchison,)
Topeka and Santa Fe Railway Company,)
Crossing No. 2B-39.5, in the)
City of Anaheim.)

Case No. 9270
(Filed September 8, 1971)

O P I N I O N

The City of Anaheim filed Application No. 52618 on May 13, 1971 for authority to construct Kellogg Drive at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company.

The railway by letter dated June 24, 1971 informed the Commission that it has no objections to the proposed new grade crossing provided that all cost of same be borne by applicant and that Trinidad Street (Crossing No. 2B-39.5) be closed in connection with the proposed Kellogg Drive crossing.

Case No. 9270, filed September 8, 1971, was instituted on the Commission's own motion regarding the Trinidad Street crossing after the city advised the Commission that it is not in a position to either approve or object to such closure. These matters are related and will be handled on a common record.

A copy of the staff's report in this matter was furnished on October 28, 1971 for review and comment to the Orange County Road Department, City of Anaheim, The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Land Improvement Company. The report contained the following recommendation:

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"It is recommended that the Trinidad Street (Crossing No. 2B-39.5), together with the short approaches on each side of the tracks, be abandoned and physically removed; that the entire cost of such removal be at the expense of The Atchison, Topeka and Santa Fe Railway Company and that the closure be required to be completed within thirty days of the effective date of any order which may be issued in this proceeding.

"It is further recommended that the consolidated proceeding of Case No. 9270 and Application No. 52618 be handled by ex parte order."

The Commission has now received letters from the Orange County Road Department, The Atchison, Topeka and Santa Fe Railway Company and Santa Fe Land Improvement Company advising that each has no objections to the staff's proposal. A letter from the City of Anaheim stated, in part, as follows:

"The City of Anaheim has no jurisdiction over the street nor the crossing. Although there would be no objection by the City of Anaheim to abandonment of the crossing, the City is not in a position to either approve or disapprove such closure."

The Commission finds that the staff recommendation should be adopted. The order which follows will so provide. A public hearing is not necessary.

O R D E R

IT IS ORDERED that the City of Anaheim is hereby authorized to construct Kellogg Drive at grade across the tracks of The Atchison, Topeka and Santa Fe Railway Company, at the location described in the application, to be identified as Crossing No. 2B-39.2, in the City of Anaheim, County of Orange.

Width of the crossing shall be not less than 64 feet and grades of approach not greater than two percent as shown on plan attached to the application. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection shall be by four Standard No. 8 flashing light signals (General Order

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No. 75-B) supplemented with automatic gate arms. Backlights may be omitted from the signals on the medians. No obstructions shall be placed or remain near the flashing light signals which will impair the motorists' view of the signals.

Applicant shall bear the entire construction expense, also maintenance cost of the crossing outside of lines two feet outside of rails. The Atchison, Topeka and Santa Fe Railway Company shall bear the maintenance cost of the crossing between such lines. The maintenance cost of the automatic crossing protection shall be borne by the applicant, pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

Clearances shall conform to General Order No. 26-D. Within the area of the grade crossing construction, walkways for a distance of 6' from the rail on both sides of the track shall provide a reasonable regular surface with gradual slope not to exceed 1" vertical to 8" horizontal in all directions of approach in accordance with the provisions of General Order No. 118.

IT IS FURTHER ORDERED that Trinidad Street (Crossing No. 2B-39.5), together with the short approaches on each side of the tracks, be abandoned and physically removed; that the entire cost of such removal be at the expense of The Atchison, Topeka and Santa Fe Railway Company and that the closure be completed within thirty days of the effective date of this order.

Within thirty days after completion, pursuant to this order, applicant and railway 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.

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

Dated at San Francisco, California, this 11th
day of JANUARY, 1972.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners