

ORIGINAL

Decision No. 58537

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Los Angeles for a public grade crossing over the Southern Pacific Railroad line at grade at Durfee Avenue between Garvey Avenue and Valley Boulevard, east of the City of El Monte, County of Los Angeles.

Application No. 40137

Harold W. Kennedy, County Counsel, by Ronald L. Schneider, and Robert A. Van Esch, Jr., Deputies County Counsel, for the County of Los Angeles, applicant.

Randolph Karr, E. D. Yeomans and Walt A. Steiger, by Walt A. Steiger, for the Southern Pacific Company, protestant.

Wallace L. Stadlman, for the Rotary Club Committee of Five Points; E. O. Blackman, for California Truck Owners' Association; H. G. Feraud, for Southern California Rock Products Association; G. R. Mitchell, for the Brotherhood of Locomotive Engineers; Lewis Clark, for California Trucking Associations, Inc.; and Oliver Costill, for Sunni-Cal Construction Company; interested parties.

Howard F. Christenson, for the Commission staff.

O P I N I O N

By the above-numbered and entitled application, filed on May 29, 1958, the County of Los Angeles seeks authority to extend Durfee Avenue near El Monte, Los Angeles County, across the Southern Pacific railroad track at grade.

Public hearings on the application were held before Examiner Kent C. Rogers in Los Angeles on November 10 and 12 and December 17 and 18, 1958. On the last day of hearing the matter was submitted subject to the filing of briefs. The last briefs

were filed on March 16, 1959, and the matter is ready for decision. The staff presented no evidence.

In 1940 an application for authority to extend Durfee Avenue across the same tracks was denied by the Commission (Decision No. 33709, dated December 10, 1940, in Application No. 23585 [43 C.R.C. 177]). In the said decision the Commission stated:

"Analysis of the record adduced at the hearing leads us to the conclusion that there is ample justification for a crossing with Southern Pacific Company's tracks at Durfee Avenue. We are not convinced, however, that this crossing should be a grade crossing, but are of the opinion that, where such substantial volumes of traffic (both vehicular and rail) are involved, the grades should be separated. We believe that the first money available for expenditure on Durfee Avenue should be used for this purpose. Until such time as this separation can be constructed, it does not appear to be unreasonable to require Durfee Avenue traffic to utilize the Garvey Avenue grade separation which has a capacity far in excess of that now using it."

From the said opinion it appears that at the time of the hearing on October 7, 1940, Durfee Avenue was planned to extend from Long Beach on the south to Monrovia on the north (see Exhibit No. 7 herein), but the portion then open for public use extended from Whittier Boulevard on the south to Valley Boulevard on the north, and between Garvey Avenue on the south and San Bernardino Road on the north, plus segments in between. The opinion recites that there were no funds available for additional construction.

Traffic counts relied on showed that 4,000 vehicles per day used Durfee Avenue near Valley Boulevard; 8,000 vehicles per day used Valley Boulevard near Durfee Avenue; that on Sundays 8,600 vehicles per day used Valley Boulevard, and 20,000 used Garvey Avenue; and on Mondays 7,500 vehicles used Valley Boulevard and 15,000 used Garvey Avenue.

Durfee Avenue is, and was at the time of the former hearing, planned as a major traffic artery in the eastern portion of Los Angeles County. The plans call for an ultimate right of way 100 feet in width carrying six lanes of traffic, three in each direction. At the present time the highway is 88 percent completed. In the vicinity of the proposed crossing Durfee Avenue is in use for a distance of 6-1/2 miles from San Bernardino Road on the north to Beverly Boulevard on the south, except for the sought crossing. The layout in the immediate vicinity of the crossing is depicted on Exhibit No. 1 herein. Valley Boulevard runs from the northwest to the southeast across the exhibit. Roughly parallel thereto and north thereof is the Southern Pacific Company's main line of tracks. Running from east to west is Garvey Avenue which crosses Valley Boulevard, passes under the Southern Pacific track and joins the San Bernardino Freeway immediately east of Durfee Avenue. The San Bernardino Freeway crosses over Durfee Avenue approximately 1,500 feet north of Valley Boulevard. Durfee Avenue proceeds north from Valley Boulevard 523 feet to the south side of the Southern Pacific right of way at which point it terminates, and thence north from the north side of the right of way 809 feet to Garvey Avenue. The physical layout of the area is very complex and difficult to describe. Attached hereto as Appendix "A" is a map of the immediate vicinity. Starting from the west, Peck Road is four lanes, passes under the San Bernardino Freeway, and crosses the track at grade. Mountainview Avenue crosses Garvey Avenue and Valley Boulevard and runs north to Lansdale Road, which runs east to Cogswell Road. Cogswell Road is two lanes, crosses the track at grade, and

proceeds south to Garvey Avenue which it joins immediately east of the crossing of Valley Boulevard and Garvey Avenue. At this point Garvey Avenue has a divider strip so that traffic coming south on Cogswell Road can only turn right on Garvey Avenue to Valley Boulevard, which streets meet at an acute angle of approximately thirty degrees. Durfee Avenue does not cross the track at present.

Gilman Road is apparently a private crossing and at the time of the hearing was barricaded by a wire fence immediately north of the track. The San Gabriel River Freeway is not in, and is not expected to be completed for several years. Rivergrade Road crosses the track at grade from the north and dead-ends at Valley Boulevard. The railroad's right of way is 100 feet in width and at the location of the proposed Durfee Avenue crossing has a spur track on the north side. Eight passenger trains per day cross this track seven days per week at the permissible speed of 70 miles per hour. Approximately 20 freight trains also operate on the track seven days per week at the permissible speed of 60 miles per hour, and there is an average of three switching movements per day at permissible speeds of 60 miles per hour on the main line and ten miles per hour on the spur track. Durfee Avenue is at an acute angle of 73 degrees to the railroad right of way.

The evidence presented by the county and various groups and individuals is intended to show (1) that there is a public need for a crossing, and (2) that the proposed crossing at grade is safe and the only economically feasible method of crossing.

The area appears to be unique in Los Angeles County in relation to the availability of communication between the area north

of the track and the area south of the track. In a distance of approximately 1-3/4 miles from the proposed crossing there are only three grade crossings at present plus two separated grade crossings, one of which, Garvey Avenue, may be used for local traffic across the tracks. Rivergrade Road grade crossing is 3/4 of a mile east of Durfee Avenue. At this point there are three tracks protected by No. 8 flashing light signals. The highway consists of two lanes, and the south track is 220 feet north of Valley Boulevard. The next grade crossing in the vicinity of Durfee Avenue is 1/2 mile west at Cogswell Road, which is a two-lane highway. The protection here is No. 3 wigwags. Peck Road, a grade crossing, is to the west of Cogswell Road and one mile from Durfee Avenue. It is protected by No. 8 flashing signals. The railroad there is a single line of tracks and Peck Road carries four lanes of traffic. In between Cogswell Road and Durfee Avenue, Garvey Avenue crosses the track at separated grades. As can be seen from Appendix "A", however, vehicular traffic traveling from the north via Durfee Avenue, Garvey Avenue and Valley Boulevard, and Durfee Avenue to the south, must make an extreme right-angle turn against heavy traffic at the intersection of Garvey Avenue and Valley Boulevard. The San Bernardino Freeway crosses the track between Peck Road and Cogswell Road at separated grades but, due to lack of access roads, is unusable locally.

Since the former hearing in 1940 the area has changed both as to business and population, each having increased. One of the main changes has been the addition of the San Bernardino Freeway, which has resulted in the closing of some of the smaller north-south streets, and the addition of a Sears Roebuck Store at Peck Road immediately north of the railroad right of way. Traffic on Valley

Boulevard has increased from between 7500 and 8600 vehicles to between 19,000 and 28,000 vehicles per day, and traffic on Durfee Avenue at Valley Boulevard has increased from 4000 vehicles per day to 14,000 vehicles per day. It appears from the record that there is at least as much need for a crossing of the track at Durfee Avenue at the present time as there was in 1940 when the Commission found there was justification for a crossing. The record herein shows, and we find, that a crossing at Durfee Avenue is justified. This was conceded by the protestant railroad.

An associate civil engineer for the County of Los Angeles estimated the cost of a crossing as compared with an underpass, and presented plans for each type of crossing. A highway overpass was not considered because of the claimed excessive cost thereof. The County favors a grade crossing and estimated the cost thereof at \$76,127 (Exhibit No. 4), which would include paving 52 feet in width between Valley Boulevard and Clora Place, and 64 feet in width between Clora Place and Garvey Avenue, a concrete berm in the center across the railroad track, flashing lights and crossing gates (Exhibit No. 3). The maintenance cost is not included. If an underpass were installed the cost would exceed \$689,500 (Exhibit No. 6), allowing for two 38-foot roadways (Exhibit No. 5) and including an item of \$22,500 for a bridge for the Metropolitan Water District pipe line, not a proper item to be charged to the County.

A representative of the Southern California Rock Products Association and the Southern California Ready Mixed Concrete Association testified that the members of these associations would save an estimated \$200,000 per year by using the short route for hauling rock

and gravel products between the gravel-producing areas north of Valley Boulevard and points south and west of Durfee Avenue and Valley Boulevard. The general manager of the California Dump Truck Owners Association testified that dump truck operators would save an estimated \$250,000 per year by having Durfee Avenue open across the tracks. Such estimated savings would, of course, accrue whether this crossing is a grade crossing or a separated crossing.

The County's witness was of the opinion that the savings in time and distance would justify the estimated \$76,000 cost of the grade crossing. In addition, the witness estimated that annual expenses consisting of accident costs totaling \$7,800 arising out of a grade crossing would be eliminated, which figure, capitalized at the rate of five percent, equals \$156,000. If this sum were added to the \$76,000 cost of a grade crossing, the resultant figure of \$232,000 would be the maximum warranted expenditure for a grade crossing separation. Any expenditure over this sum could not be justified, the County witness said.

The County engineering witness presented Exhibit No. 14, "Grade Crossing or Grade Separation." He stated that the County anticipated that the state-wide grade crossing elimination program would proceed at an accelerated rate as the result of a new 5 million dollar allocation annually by the State Legislature; that since the County is actually participating in this program, and a substantial part of the County road budget may be used for this purpose, the County has been actively interested in objectively analyzing the entire program to determine when a railroad crossing is adequate and when it is necessary to provide a grade separation. He stated that there is not enough money to provide grade separations at all

crossings and that, excluding a separated grade, the most effective grade crossing protection is afforded by crossing gates augmented by flashing signals. In the county there is a total of 49 grade crossings protected with crossing gates and 30 of these were installed prior to 1947, a ten-year accident history was compiled based thereon, and at the other 19 grade crossings a comprehensive analysis was made to determine the additional degree of safety provided after the gates were installed. Plate A on Exhibit No. 14 shows that the fatality and injury rates have been substantially reduced since the type of protection proposed herein was installed on all crossings stated. The witness said that crossing gates with flashing light signals constituted an excellent form of grade crossing protection; that they provide an average casualty reduction of 90 percent, and that the average casualties at a crossing protected with crossing gates is one fatality in 100 years and one injury in 12 years.

The Southern Pacific Company presented evidence relative to its train operations and the railroad installations in the vicinity.

It was the position of the witness for the railroad and the witness for the Brotherhood of Locomotive Engineers that to open a grade crossing at Durfee Avenue would be to create a hazardous condition. The vehicular traffic at the proposed crossing is estimated at 8000 vehicles per day, of which approximately 2500 would be heavy trucks now using Rivergrade Road. The contention of the railroad was that if there is a crossing it should be separated and that the railroad should not be required to contribute to the cost thereof as it is a new crossing.

We have considered the entire record herein, as well as the briefs of the county and the railroad. We find that public

convenience and necessity require a crossing at Durfee Avenue but we, also, find that public safety requires a separation of grades because of traffic which would cross the tracks at Durfee Avenue, including heavy concrete, sand and gravel trucks. The application will be denied.

O R D E R

The County of Los Angeles having requested authority to construct a public highway at grade across the main line of track of Southern Pacific Railroad at Durfee Avenue, a public hearing having been held, and the Commission having made the foregoing finding and based on said finding,

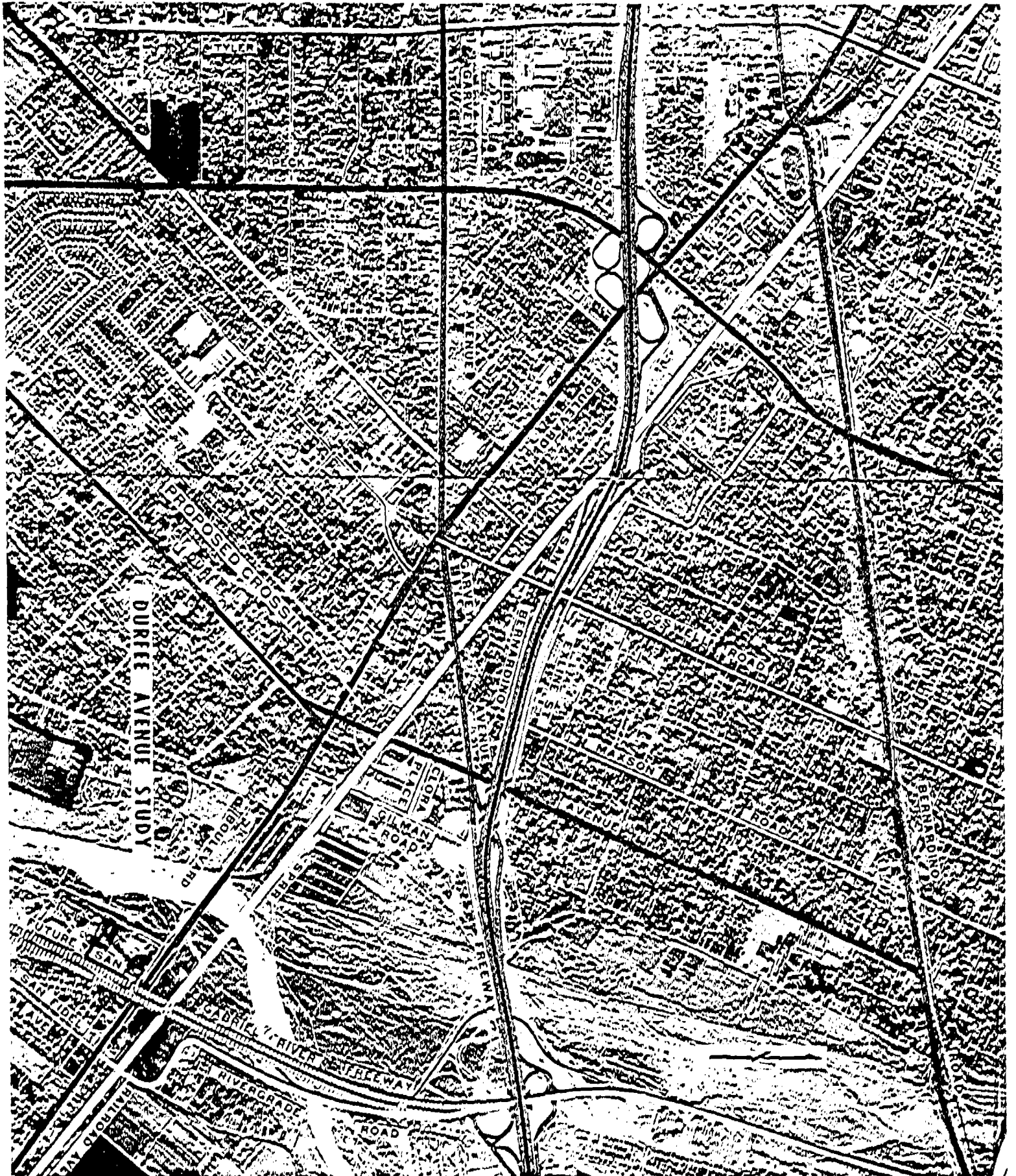
IT IS HEREBY ORDERED that the above-entitled application be and it is denied.

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

Dated at San Francisco, California, this 2nd day of June, 1959.

[Signature]
President
[Signature]
[Signature]
Commissioners

Theodore E. Jenner
Commissioner S. Everett C. McKeage, being
necessarily absent, did not participate
in the disposition of this proceeding.



APPENDIX "A"