

ORIGINAL

Decision No. 63527

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Pico Rivera for a public grade crossing of Paramount Boulevard over the Pacific Electric Railway Company's La Habra Line in the City of Pico Rivera.

Application No. 43666

John S. Todd, for applicant.
E. D. Yeomans and Walt A. Steiger, by
Walt A. Steiger, for Pacific Electric
Railway Company, protestant.
Lloyd C. Young, for the Commission's staff.

O P I N I O N

By the application herein filed with this Commission on August 7, 1961, the City of Pico Rivera (City) requests an order for the construction of Paramount Boulevard at Mile Post 6C-11.89 across the tracks and right-of-way of the Pacific Electric Railway (Railway) in said city at grade.

A public hearing on the application was held in Los Angeles, California, before Examiner Kent C. Rogers on December 5, 1961. Evidence was presented and the matter submitted.

Paramount Boulevard is to be a 100-foot-wide major highway on the County master highway plan, and is to extend a total distance of approximately 24 miles from Pasadena on the north to Carson Street in the City of Long Beach on the south (Exhibit No. 2). At present the highway is completed in varying widths, a distance of approximately 12 miles, from the City of Lakewood

to Washington Boulevard, which is approximately 6,500 feet north of the proposed crossing, except that the pavement now ends at a point approximately 600 feet north of Maxine Street (about 150 feet south of the proposed crossing) and resumes at Slauson Avenue about 750 feet north of the track.

At the proposed crossing Railway has a single line of track. In a period of 24 hours approximately 12 freight trains operate over this section of the track which is a portion of the Railway's La Habra line. The maximum permissible speed of trains in the City is 30 miles per hour, but on a check made on November 28 and 29, 1961, the actual speeds varied from 15 to 20 miles per hour.

Approximately 2,000 feet north of Slauson Avenue the Atchison, Topeka & Santa Fe Railway (Santa Fe) has a main line across Paramount Boulevard at separated grades. This line also crosses Rosemead Boulevard northeast of the proposed crossing at separated grades. There are two main lines and three switching tracks at the Santa Fe crossing of Paramount Boulevard. Railway's tracks cross Rosemead Boulevard and Telegraph Road at grade. Telegraph Road crosses the tracks at an acute angle of approximately 30° (Exhibit No. 3) about 3,000 feet west of Paramount Boulevard. Approximately one mile east of the proposed crossing Passons Boulevard crosses both Railway and Santa Fe tracks at grade.

At present any City residents living north of Telegraph Road, south of Railway, west of Rosemead Boulevard and east of the Rio Hondo are required to come south to Telegraph Road and thence west to Slauson Avenue or east to Rosemead Boulevard.

and thence north to Slauson Avenue. The fire station serving the area is north of Slauson Avenue which means that any emergency fire equipment must travel on Slauson Avenue either to Rosemead Boulevard or Telegraph Road in order to get south of Railway's tracks in the area referred to.

The City's industrial area is north of Slauson Avenue. Approximately 20 of the individuals, firms and industries of the City have written to the Commission advising it that a crossing over the railway tracks as proposed is needed, and that, in their opinions, a grade crossing is adequate (Exhibit No. 11).

Paramount Boulevard commences at Washington Boulevard and is 100 feet wide between Washington Boulevard and Slauson Avenue. It is nonexistent between Slauson Avenue and a point approximately 150 feet south of the Railway and approximately 80 feet wide south of Maxine Street. Traffic counts show that at present there are approximately 11,500 vehicles per day using Paramount Boulevard north of the proposed crossing and approximately 7,300 per day using it south thereof. Rosemead Boulevard is parallel to and approximately 2,000 feet east of Paramount Boulevard, and is presently carrying approximately 40,000 vehicles per day. Washington Boulevard carries about 29,000 vehicles per day; Slauson Boulevard approximately 27,000 vehicles per day; and Telegraph Road approximately 21,000 vehicles per day. A portion of the vehicles on these highways are expected to divert and use Paramount Boulevard across the track, if and when the crossing is opened. The city manager of City stated that City does not intend requesting that Railway contribute to the cost of the proposed grade crossing,

but that if City secures a grade crossing and subsequently finds it needs a separation of grades, it will request that Railway contribute toward the cost thereof.

The city manager stated that three types of crossing were considered -- an overpass, an underpass, and a grade crossing.

The overpass (i.e., the highway over Railway) was rejected by City as a structure would be required which would extend from beyond Slauson Avenue, a distance of approximately 1,000 feet on the north, to beyond Maxine Street on the south.

The cost of an underpass (Railway over the highway) was rejected by City as too expensive. This structure would cost \$504,000 (Exhibits Nos. 8 and 9) exclusive of the right-of-way acquisition costs which would total an estimated additional \$233,000, making a total cost for the underpass of approximately \$737,000. The \$233,000 include \$133,097 for the acquisition of nine parcels of land (Exhibit No. 10) immediately on or along the route of the highway proper. The owners of these parcels have agreed to sell their land at said figure provided a grade crossing only is constructed. They object to a crossing at separated grades.

If there is a grade crossing (Exhibit No. 6) the cost thereof will be approximately \$96,820 (Exhibit No. 7) plus added right-of-way acquisition costs of \$133,097 for a total cost, including right-of-way, of approximately \$229,917.

City has appropriated \$135,000 for the acquisition of the right-of-way and the County of Los Angeles has budgeted \$100,000 to pay for the crossing and protection. The City Manager

testified that in his opinion it was unlikely that the County would budget additional funds for an underpass; that City receives about \$150,000 a year from the Gas Tax Fund, of which approximately \$60,000 per year is used for highway construction; and that it will take the City about five years to secure the funds to build a separation of grades, if required.

The protection proposed by City is four No. 8 flashing light signals.

The Los Angeles County Regional Planning Commission recommends that the crossing be opened at grade at present due to lack of funds for a separation of grades, and that this crossing be included in the County-Wide Grade Separation Priority List being prepared on June 1, 1961 (Exhibit No. 4, letter of June 1, 1961).

A private crossing used by residents west of the proposed crossing could be eliminated if the crossing at grade is authorized.

The position of the Railway is that a grade crossing is not justified but that a grade separation is reasonable and is required. Exhibit No. 12 is a diagram of the track between the grade crossing at Telegraph Road on the west and Rosemead Boulevard on the east. This diagram shows that there are two spur tracks west of the crossing on the north side of Railway and one east of crossing and north of Railway, and that two spur tracks have been requested immediately east of the proposed crossing and north of Railway. In addition, the Southern California Gas Company has a private road approximately 800 feet east of the proposed crossing extending from Slauson Avenue on the north across

the track. This company also has a spur track extending from slightly west of Rosemead Boulevard parallel to and south of the track. It is proposed that there will be a spur track extending from approximately Rosemead Boulevard to the north from said track to approximately Slauson Avenue and from the switch for the Southern California Gas Company spur westward and parallel to it on the north of the track. The Railway's witness stated that those spurs, existing and proposed, place the proposed crossing in a switching zone which would require time-out circuits for protection of the public and to reduce delays on switching movements. In addition to these switching movements, actual and contemplated, the witness stated that Kaiser is commencing heavy hauling from its Eagle Mountain mine to its Long Beach plant. The ore movements will consist of 100-car trains to Long Beach three times per week, and these movements will necessarily cause return movements of empty cars. He said that this contemplated traffic would require a separated grade crossing. The witness stated that if a grade crossing is permitted then a separated grade will be subsequently required and, in that event, Railway would be required to pay 10 percent of the cost of the bridge structure, plus the amortized annual savings as required by the Public Utilities Code, and that Railway is not willing to contribute any sums toward the cost of the crossing. The witness further stated that if a grade crossing is authorized there should be automatic crossing gates and that the cost of said gates, together with the lights, has been estimated at \$12,825 (Exhibit No. 13), and that the cost of paving the highway to two feet outside of the track has been estimated to be

\$2,355 (Exhibit No. 14). This \$12,825 figure, the witness said, does not include the cost of automatic time-out circuits which he estimated will cost \$3,600. The witness further stated that a grade crossing will cost \$410 per year for maintenance of lights and gates, and that the crossing gate arms cost \$140 each to replace when broken. In addition, there are the expenses of maintaining the crossing paving and rails which amount to \$35 or \$50 per year. In addition to the costs, the witness said that the delays from the train movements and the hazard to the public are reasons for having the separation of grades.

The record herein shows that there are at least 12 freight trains each 24 hours across the site of the proposed crossing, and that additional trains and switching movements occur and are contemplated in the near future. The evidence shows, and we find, that public convenience and necessity require that the highway be constructed across Railway's track at Paramount Boulevard. We further find and conclude that the City of Pico Rivera should be authorized to construct Paramount Boulevard at grade at Crossing No. 6C-11.89 across the track and right-of-way of Pacific Electric Railway Company, and that public safety requires that the crossing should be protected with automatic crossing gates.

No reason appears why the private crossing west of Paramount Boulevard should remain open; accordingly, said crossing will be ordered closed.

O R D E R

A public hearing having been held, the matter having been submitted and the Commission being fully advised:

IT IS ORDERED that:

1. The City of Pico Rivera is authorized to construct Paramount Boulevard at grade across the track and right-of-way of Pacific Electric Railway Company in the City of Pico Rivera, Los Angeles County, California, at the location described in the application, to be identified as Crossing No. 6C-11.89. The width of the highway portion of the crossing shall be not less than eighty feet and the grades of approach not greater than two percent. Construction shall be equal to or superior to Standard No. 4 of General Order No. 72. Protection shall be four standard #8 flashing light signals (General Order No. 75-B) supplemented by automatic crossing gates. Two of the signals shall be installed on raised center dividers each side of the crossing, and time out circuits shall be provided for switching operations.

2. Construction expense of the crossing, including the automatic crossing signals and gates, shall be borne by the City of Pico Rivera.

3. Maintenance costs at Paramount Boulevard outside of lines two feet outside of rails shall be borne by the City of Pico Rivera, and between said lines by Pacific Electric Railway Company. Maintenance of signals and gates, with the exception of the costs of broken gate arms, shall be borne by Pacific Electric Railway Company. The costs for replacing the broken gate arms shall be held open until such time as this Commission issues a decision in Application No. 39208 and Case No. 6144.

4. Prior to the completion of Crossing No. 6C-11.89, the private crossing immediately west of Paramount Boulevard shall be physically closed and any pavement removed within the railroad

right-of-way limits by the City of Pico Rivera. Costs of such closures and removals shall be borne by said City.

5. Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authority shall become void if not exercised within one year after the effective date of this decision unless time be extended or if the 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 3rd day of April, 1962.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.