

ORIGINAL

Decision No. 68732

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Long Beach, a municipal corporation, to alter crossing No. 3A-13.3-C on Cherry Avenue in the City of Long Beach, County of Los Angeles, State of California, in the process of widening said Cherry Avenue, and for the apportionment of costs of said alteration between the parties.

Application No. 46946
(Filed August 31, 1964)

Leonard Putnam and Phil J. Shafer, by
Phil J. Shafer, for applicant.
W. I. Kennedy, for the Union Pacific
Railroad, interested party.
John Ukleja, for the Commission staff.

O P I N I O N

The City of Long Beach (City) seeks an order of this Commission authorizing the widening of Cherry Avenue in the City of Long Beach across the single line track of the Union Pacific Railroad (Railroad) (Crossing No. 3A-13.3-C), and the apportionment of costs of the improvement.

A public hearing was held in Long Beach before Examiner Rogers on November 10, 1964, evidence was presented, and the matter was submitted.

The track involved is used to provide service to a Southern California Edison Company plant west of Cherry Avenue, in the City of Long Beach. The street is 30 feet in width and the right of way is paved with concrete across the track for said width providing two 15-foot lanes with the pavement extending 2 feet beyond the rails

on either side. Present protection consists of two Standard No. 1 cross bucks. The City proposes to widen the street at the site of the crossing to a total width of 100 feet including sidewalks and an 80-foot roadway consisting of four 12-foot lanes, two 8-foot parking lanes, and a 16-foot painted median strip.

The City granted the Railroad the right to construct, maintain, and operate the herein considered single track industrial switch or spur across Cherry Avenue by Ordinance No. C-579 on November 3, 1926 (Exhibit I). A witness stated that the present average daily vehicle traffic of the crossing is 13,000 vehicles and that it is predicted in 1974 this traffic will more than double to an estimated 30,000 vehicles. Due to this forecast the improvements heretofore referred to are proposed.

The City has estimated that the cost of improving this crossing a distance of 2 feet on each side of the rails for the full 80-foot width of paving will be \$1,680 which includes removing the existing 30-foot wide paving and the replacement thereof at a cost of \$500.

The Railroad estimated the cost for the improved crossing to be \$1,180 which cost contemplates leaving the existing paving in the Railroad right of way in place. The crossing will require no change in grade.

A witness for the Railroad testified that the average monthly traffic on the spur is 40 cars and that a typical movement consists of two to three cars plus the engine operating at a maximum speed of 15 mph. The traffic is entirely for the Southern California Edison Company, and consists mainly of telephone poles and cross arms. There is no record of any train-vehicle accident at the crossing.

The parties agreed that the proposed work should be done. There are two points of controversy between the City and the Railroad, namely, whether or not the existing pavement in the right of way across the street should be removed and whether the City should bear the entire cost or the costs should be divided between the City and the Railroad.

A Commission engineer stated that the crossing should be protected by four No. 8 flashing light signals which include two on the proposed median strip and two on the sides of the street. The improving of Cherry Avenue at the crossing is part of the City's plan of developing the highway to handle traffic estimated for 1974, at which time in the City's opinion the proposed width will be needed.

Findings

On the evidence herein the Commission finds that:

1. Cherry Avenue is a public highway in the City of Long Beach, State of California. This highway near the northern limits of the City of Long Beach is crossed by a single line spur track of the Union Pacific Railroad which spur track presently serves only a Southern California Edison Company plant located west of Cherry Avenue.

2. Cherry Avenue is presently improved at the point said spur track crosses to a width of 30 feet and is paved to a point two feet outside the rails. The City intends to improve Cherry Avenue to a width of 100 feet including sidewalks and an 80-foot roadway consisting of four 12-foot lanes, two 8-foot parking lanes and a 16-foot painted median strip.

3. The present protection at the crossing consists of two No. 1 cross bucks. The volume of traffic on the railroad at the crossing consists of approximately 40 cars per month broken into movements consisting of two to three cars plus the engine. The speed of the trains is 15 miles per hour or less. The volume of traffic on Cherry Avenue at the crossing is approximately 13,000 vehicles per day and it is predicted that this traffic will increase to 30,000 vehicles per day in 1974.

4. The approximate cost of improving the highway at the crossing to two feet outside of the rails within the 80-foot width vehicle section is \$1,180 if the existing paving remains and \$1,680 if the existing paving on the railroad track portion is replaced.

5. The roadway is to be divided with a median strip. Public safety requires that the protection should consist of four flashing light signals with two thereof situated on the median strip and two thereof on the curb sides.

6. The existing 30-foot strip of paving extending two feet on either side of the railroad track is adequate and should be left in place.

7. The costs of paving, rehabilitating and/or repairing the crossing for the width of 80 feet from curb to curb and two feet outside the rails plus the costs of the protection next to the curbs should be borne equally by the Railroad and the City. All costs of maintenance should be borne by the Railroad.

Conclusion

The Commission concludes that the crossing should be improved and protected and the costs thereof charged to the parties as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. The City of Long Beach is authorized to widen and improve the grade crossing at Cherry Avenue and the Union Pacific Railroad (Crossing No. 3A-13.3-C) in the City of Long Beach substantially in the manner and in accordance with the plans filed herein except that the existing strip of pavement 30 feet in width and extending to two feet on each side of the rails shall remain in place. Protection shall be installed and the costs thereof allocated as specified below. This authority is subject to the following provisions:

(a) The work required to be done at said crossing between lines two feet outside of the rails except for the placing of the asphalt shall be performed by the Railroad company. The placing of the asphalt shall be done by the City under the supervision of the Railroad.

(b) The crossing protection shall be four No. 8 flashing light signals as prescribed by General Order No. 75-B. Two shall be on the median and two on the curbs. Backlights may be omitted on the signals located on the median.

(c) The City of Long Beach shall bear the entire cost of placing the pavement for the widened portions of the crossing between lines two feet outside of rails. The balance of the costs of the installation, including cost of protection adjacent to the curbs, shall be divided equally between the City and the Railroad.

(d) The Railroad shall bear the entire maintenance cost of the final widened street portion of the crossing, including all four signals, between lines two feet outside of the rails.

2. Within thirty days after the completion of the work hereinabove authorized the City and the Railroad shall each notify the Commission in writing of the compliance with the conditions hereof.

3. The authority herein granted shall expire if not exercised within one year unless the time be 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 10th day of MARCH, 1965.

 President

[Handwritten Signature]

 Commissioners

We concur, except that we would apportion signal maintenance cost one half to the City and one half to the railroad.

*Fredrick B. Halshoff
George G. Trover*