

Decision No. 69897

ORIGINAL

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-18.61 on Wardlow)
Road in the City of Long Beach,)
County of Los Angeles, State of)
California, in the process of)
improving said Wardlow Road, and)
for the apportionment of costs of)
said alteration among the parties.)

Application No. 47603
(Filed May 20, 1965)

Phil J. Shafer, for applicant.
E. C. Kenwick, M. W. Vorkink,
W. I. Kennedy, B. J. Lamler,
by Ralph R. LePera, for Union
Pacific Railroad Company; and
Richard W. Andrews, for Los
Angeles County Road Department,
interested parties.
Lloyd C. Young, for the Commission
staff.

O P I N I O N

By the application herein the City of Long Beach (City) seeks authority from this Commission to alter the Wardlow Road crossing (Crossing No. 3A-18.61) of the Union Pacific Railroad Company (Railroad) and the apportionment of the costs of the improvements. In its application, the City stated it will advance the amount necessary to enable the Railroad to complete the work and requested an order approving the alteration and establishing the sum to be advanced by the City for the work to be done by the Railroad, leaving for a later hearing the question

of apportionment of costs. A public hearing, after notice to all parties, was held on September 3, 1965, before Examiner Rogers in Long Beach. Thereat the Railroad stated that it will not voluntarily pay any of the costs involved. The City stated that it will voluntarily pay 50 per cent of the costs. The parties agreed that further hearing on apportionment of costs would be of no benefit and submitted the apportionment to the Commission. The entire matter is ready for decision.

Wardlow Road runs east and west a distance of several miles from the City of Los Angeles through the City of Long Beach. The Railroad's right of way crosses Wardlow Road at an angle of 67° approximately 10 blocks west of the Los Angeles River in the City. At the site of the crossing and for approximately two blocks west thereof Wardlow Road is 30 feet in width. East of the crossing it widens to approximately 78 feet. The tops of the rails at the crossing are 4.3 feet above Wardlow Road. The rise in the street caused by the Railroad track makes it difficult for motorists to see traffic approaching from the opposite direction across the track. The City plans to lower the track to the existing street level and widen the street to 78 feet between curbs.

Approximately 150 feet east of the center of the Railroad's right of way there is an on ramp for the San Diego and Long Beach Freeways. The San Diego Freeway is immediately north of and approximately parallel to Wardlow Road at the crossing. The Railroad passes under the freeway. At the site of the crossing the northern boundary of the City is approximately 19 feet south

of the northern side of Wardlow Road. The County of Los Angeles and the City will apportion by agreement their shares of the costs assessed by the Commission. Present development of adjacent and nearby properties has increased the volume of traffic over the crossing to approximately 9,000 vehicles per day. It is estimated that the traffic will increase to 11,600 vehicles per day in 1975.

The crossing is on the Railroad's San Pedro Harbor Branch. The right of way is 100 feet in width and there is a single line of track at the crossing. Commencing a short distance south of the crossing and on the west side of the main track there is a spur track.

By Decision No. 24030, dated September 14, 1931, in Application No. 17370 (36 C.R.C. 599), the Railroad's predecessor, Los Angeles and Salt Lake Railroad Company, was authorized to construct said harbor branch line at its own expense. Authority to construct the Wardlow Road (then known as Wilmington Street) crossing at grade was included. Protection thereat was ordered to be by two Standard No. 3 wigwags. The Railroad has since replaced these with two Standard No. 8 flashing light signals. The grade of approach to the crossing was not to exceed four per cent. The tops of the rails were to be 3.4 feet higher than the street. At present the tops of the rails are 4.3 feet above the level of Wardlow Road. Lowering the rails to the level of the street will require lowering approximately 1,900 feet of track plus a portion of the spur track and the relocation of the existing signal protection. The City's plans for improving the

street call for center islands on each side of the crossing (Exhibit "D"). This plan would require two additional Standard No. 8 flashing light signals. The total cost of lowering the tracks, including the spur, moving the existing signals and installing two new signals at the crossing as planned by the City would be approximately \$43,760.

The spur track is 3,000 to 5,000 feet long. This will be shortened by 900 feet and a portion of the remainder will be lowered to conform to the grade of the main track. The cost of work on the spur track will be approximately \$3,000, the cost of relocating the two existing Standard No. 8 flashing light signals would be approximately \$3,500, the cost of installing two new Standard No. 8 flashing light signals would be approximately \$4,500.

The rail line is active. There is an average of two movements per day in each direction thereon. As a result, the tracks will be lowered in six-inch increments.

The authorized train speed at the crossing is 30 miles per hour and the authorized vehicle speed is 35 miles per hour.

In each of the years 1955, 1956, and 1957, there was one nonfatal train-vehicle accident at the crossing. In 1964, there was one accident in which a vehicle hit the railroad signal. No train was involved.

The City is willing to pay one-half of the estimated total cost of the construction and improvements.

The Railroad will not voluntarily pay any portion of the cost of changes or improvements ordered by this Commission.

A Commission transportation engineer testified that in his opinion protection should be by two Standard No. 8 flashing light signals supplemented with automatic crossing gates, rather than the four flashing light signals proposed by the City. He based his recommendation on the facts, among others, that there are at present an average of 9,000 vehicles and four train movements per day over the crossing; that the authorized train speed is 30 miles per hour; and that the authorized vehicle speed is 35 miles per hour. He said the costs of installing two Standard No. 8 flashing light signals, supplemented with automatic crossing gates, would be approximately \$20,000.

Findings

The Commission finds that:

1. The Railroad has a single line of track extending north from San Pedro through the City of Long Beach. The Commission authorized construction of this line at the Railroad's expense in 1931 and at that time determined the grade of the track and the protection at each grade crossing. All expenses of construction and protection were assessed to and paid by the Railroad.
2. Included in the rail line was the crossing of Wardlow Road in the City of Long Beach. At this crossing the Railroad has a single line of track. The track was constructed across Wardlow Road with tops of rails 3.4 feet higher than the existing street and with grades of approach not to exceed four per cent. The right of way is at an angle of 67° from the street. The

crossing was protected by two Standard No. 3 wigwags. This protection has at some time been changed to two Standard No. 8 flashing light signals, the present protection. Rail traffic averages two trains each direction per day and the rail speed limit is 30 miles per hour.

3. Wardlow Road is an east-west street in Long Beach extending for several miles on each side of the crossing of the line of rail referred to. From immediately east of the crossing site and for a short distance west thereof the street is 30 feet wide. From a point immediately east of the crossing to the east the street is approximately 78 feet in width. At the crossing the tops of the rails are now 4.3 feet above the street level. The San Diego Freeway is immediately north of and approximately parallel to Wardlow Road at the crossing site. An ingress to the freeway is situated approximately 150 feet east of the center of the Railroad's right of way. The vehicular speed limit on Wardlow Road is 35 miles per hour and traffic over the crossing averages approximately 9,000 vehicles per day. This traffic will increase to 11,600 vehicles per day in 1975.

4. The City plans to widen Wardlow Road to 78 feet across the right of way of the Railroad and lower the track to the existing level of the street. To accomplish this it is necessary that approximately 1,900 feet of the Railroad's track be lowered in grade. This lowering will also require the lowering of a spur track south and west of the crossing of Wardlow Road.

5. The lowering of the rail line across Wardlow Road is necessary to the City's use and development of the street, and

public convenience and necessity require such lowering to permit proper access to the San Diego and Long Beach Freeways from an ingress 150 feet east of the center of the Railroad's right of way.

6. The plans for construction of Wardlow Road and the lowered right of way of the Railroad across Wardlow Road, as shown in Exhibit "D", are reasonable and proper. The lowering of the Railroad tracks will be done by six-inch increments and will not necessitate suspension of rail traffic. Traffic on Wardlow Road can be handled during construction without undue inconvenience to vehicular traffic.

7. Public health, safety and welfare require that the crossing be protected by two Standard No. 8 flashing light signals (General Order No. 75-B) supplemented with automatic crossing gates and median strips on each side of the right of way.

8. The cost of lowering the tracks, including the spur track, widening Wardlow Road, and installing two Standard No. 8 flashing light signals, supplemented with automatic gates, will be approximately \$56,000 derived as follows:

Lowering the track and spur, widening and paving the crossing	\$35,760
Installing No. 8 flashing light supplement with automatic gates	<u>20,000</u>
	\$55,760

9. The Railroad will receive no benefit from the change in grade to conform to the street level.

10. A separation of grades at the crossing is not practical, due to the proximity of the San Diego Freeway.

11. The cost of the installation of two Standard No. 8 flashing light signals, supplemented with automatic crossing gates, should be borne equally by the City and the Railroad.

12. The cost of preparing the tracks to receive pavement in the existing and widened portions of the roadway and the cost of paving the existing crossing within lines 2 feet outside of the outside rails should be borne by the railroad.

13. The cost of lowering the grade of the track (including the spur) and all other installation costs not specifically covered above shall be borne by the City of Long Beach.

Conclusions

The Commission concludes that the application should be granted as requested, except that the protection should be modified as set forth in the order herein and that the costs of the changes should be apportioned as set forth in the order herein.

O R D E R

IT IS ORDERED that:

1. The City of Long Beach is authorized to widen and improve the grade crossing of the Union Pacific Railroad Company's track at Wardlow Road (Crossing No. 3A-18.61) substantially in the manner and in accordance with the plans set forth in Exhibit "D" in this proceeding, subject to the conditions set forth herein.

2. The work required to be performed at said crossing between lines two feet outside of rails, the work required to be performed in lowering the grade of the tracks and the spur track to conform to the grade of the crossing, and the work of installing signals and automatic gates shall be performed by the Union Pacific Railroad Company.

3. The crossing at Wardlow Road (Crossing No. 3A-18.61) shall be protected by two Standard No. 3 flashing light signals (General Order No. 75-B), supplemented with automatic crossing gates and center dividers. The costs for installing this protection shall be divided 50 per cent to the City of Long Beach and 50 per cent to the Union Pacific Railroad Company.

4. The cost of preparing the tracks to receive pavement in the existing and widened portions of the roadway and the cost of paving the existing crossing within lines 2 feet outside of the outside rails shall be borne by the railroad.

5. The cost of lowering the grade of the track (including the spur) and all other installation costs not specifically covered in the order shall be borne by the City of Long Beach.

6. Within thirty days after completion of the work herein authorized, the City of Long Beach and the Union Pacific Railroad Company shall each notify the Commission in writing of the compliance with the conditions hereof.

7. The improvements herein provided for are to be completed within one year from the date of this order.

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

Dated at San Francisco, California, this 2nd day of NOVEMBER, 1965.

Frederick B. Holdhoff
President
George C. Grover
Augustin
William R. Bennett
Commissioners