

ORIGINALDecision No. 72251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the status, safety,)
 maintenance, use and protection or)
 closing of all main line crossings at)
 grade of the tracks of THE ATCHISON,)
 TOPEKA AND SANTA FE RAILWAY COMPANY,)
 between South Avenue 61 and Avenue 33)
 through the Highland Park section of)
 the City of Los Angeles.)

Case No. 8373

Roger Arnebergh, by Charles E. Mattson, for City of Los Angeles; Byron J. Lawler, for Union Pacific Railroad Company; Neal W. McCrory, for The Atchison, Topeka and Santa Fe Railway Company, respondents. Edwin L. Sunde; R. A. Bock; H. W. Rodenbeck; Dr. Maude P. Rousey; Lenora D. Cornwell; Stella Loraine Graves; Frank Niewiadomski; Melva Mahaffey, for Board of Directors, Highland Park Chamber of Commerce; Irene B. Derck; Charles L. Wallace; Mrs. Elisa Moser; Arthur K. Snyder, for Highland Park Chamber of Commerce; Edward P. Hart, for Optimist Clubs of Highland Park and Northeast Los Angeles Shrine Club-Masonic Lodge; William C. Vileta, for Highland Park Chamber of Commerce; Howard F. Sackman; George E. Danielson, for People of 27th Senatorial District and Community of Highland Park; Millard M. Mier, for Highland Park Chamber of Commerce; Mrs. G. Paul Hagstrom; and G. R. Mitchell, for Brotherhood of Locomotive Engineers, interested parties. John C. Gilman and William L. Oliver, for the Commission staff.

O P I N I O N

The order instituting investigation herein was issued March 22, 1966 and amended November 29, 1966, to include three crossings at grade of the Union Pacific Railroad Company, which company was, by said amendment, also made a respondent.

Public hearings were held in Los Angeles before Examiner Gravelle on January 16 through 19, 1967. The matter was submitted on the latter date.

This proceeding involves two basic questions. The first concerns whether certain of the crossings involved should be closed and the second concerns the specific protection to be ordered at those that remain open.

There is drastic disagreement with regard to the first question and very little disagreement with regard to the second.

An Associate Transportation Engineer from the Commission staff testified and sponsored Exhibit No. 1 which sets forth his recommendations. Whereas there are only 19 street crossings herein, South Avenue 61, the most northerly, French Avenue, and Avenue 33, the most southerly, involve multiple sets of tracks, one each for The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and Union Pacific Railroad Company (Union Pacific), consequently there are actually 22 crossings with which we are concerned.

There are 12 crossings, from Avenue 50 through Avenue 61, inclusive, in a total distance of just under one mile. The staff engineer recommended that five of these crossings be physically closed to vehicular traffic and those at Avenue 51 and Avenue 53 be closed to pedestrian traffic while those at Avenue 55, 58 and 60 be kept open to pedestrian traffic with a walkway. The bases for the recommendation of closing the five crossings were the cost of protecting them while other closely proximate crossings remained open and the reduction of hazard by the elimination of said crossings.

The staff witness' recommendation as to closing was vigorously opposed by the City of Los Angeles, by the State Senator and Assemblymen within whose districts the crossings lie, by the City Councilman representing this district, by the Highland Park

Chamber of Commerce and by many Highland Park residents, businessmen and property owners. The railroad respondents to this proceeding stated no position relative to the closing issue. A Battalion Chief from the Fire Department of the City of Los Angeles testified to the problems of fire fighting that would be encountered if the closings were ordered and to the need for street widening and additional fire hydrant facilities in such an event. There was testimony presented relative to the projected commercial growth of the areas on either side of the tracks and how the closings would stultify that growth. It was pointed out that the movements across the railroad tracks would not be reduced in total by the closings, merely that the other crossings would be used instead. Since this is the case we see little reduction in hazard to the public by the proposed closings. The cost item as to upgrading of protection at the crossings if they remain open is a most important factor and the parties concerned recognized this clearly. The position of the City of Los Angeles, and the community in general as represented by those making statements or giving testimony, was to the effect that it would be better to bear the expense of improved crossing protection than the cost of alleged necessary street reconstruction and loss of potential income the closings might cause.

While it is true the rather large number of crossings here involved are in close proximity, it appears nevertheless that in this situation more harm than good would follow any recommended closings. The nature of the community of Highland Park in the area of the crossings requires that they all remain open provided the crossing protections are improved.

The general recommendation of the staff engineer for crossing protection was the installation of automatic crossing gates

supplementing Standard No. 8 flashing light signals and the installation of "No Left Turn" or "No Right Turn" indicators, where required, for streets paralleling the railroad tracks. He recommended that installation costs be allocated 50 percent to the railroad and 50 percent to the City of Los Angeles and that where crossing gates were within 200 feet of a signalized intersection the gate arms be in a lowered position for 25 seconds with limits of from 20 to 30 seconds in advance of the fastest trains.

The Santa Fe trains that operate over these tracks are now restricted to a maximum speed of 25 miles per hour, there are 5 passenger and 4 freight trains daily. The Union Pacific trains, 2 daily, operate at a maximum speed of 12 miles per hour.

All the parties were in substantial agreement with the above recommendations. The specific areas of disagreement concern the crossings at Avenue 33 and at French Avenue where there are multiple sets of tracks. The Santa Fe, Union Pacific and City of Los Angeles requested that automatic gates not be installed at Avenue 33 because of the physical nature of the crossing and the possibility that vehicles might become trapped on the tracks by a gate or another vehicle. The City of Los Angeles requested that no automatic gates be installed at French Avenue because of a potential trapping problem.

Avenue 33 crosses a Santa Fe spur track, the Santa Fe main line, a Union Pacific spur, and a Union Pacific branch line. The Santa Fe spur is the most northerly and the Union Pacific branch the most southerly. Both Union Pacific tracks are located in the middle of Artesian Street which is at a right angle to Avenue 33. A 2-lane roadway leading to Avenue 34 also enters Avenue 33 and parallels the Union Pacific branch roughly opposite Artesian Street.

The Santa Fe spur is now protected by one Standard No. 1 crossbuck, Santa Fe's witness stated it would add a second crossbuck to protect this spur. The rest of the tracks at Avenue 33 are now protected by Standard No. 3 wigwags, one southerly of the Union Pacific branch and the 2-lane roadway, one between the Union Pacific branch and the Union Pacific spur and one northerly of the Santa Fe main line. The distance between the main line and the branch which is the area in which vehicles might be trapped is not of record but the witnesses testified it was not great, possibly two to four car lengths. Automatic gates are, of course, a superior protective device to flashing lights as a general rule. Their installation at Avenue 33 as hereafter outlined and in conjunction with other restrictive signals should prevent the possibility of trappings at these crossings. We will order the installation of automatic gates and flashing lights at the points where the Standard No. 3 wigwags are now located southerly of the branch and northerly of the main line. A No. 8 flashing light shall be installed between the branch and the Union Pacific spur where an existing No. 3 wigwag is located but it shall face Artesian Street and have no aspects directed along Avenue 33. A "No Right Turn" signal shall be installed at the intersection of the 2-lane roadway and Avenue 33 and a "No Left Turn" signal at the intersection of Artesian Street and Avenue 33. The automatic protection here will be interconnected so that a train on any of these tracks will activate the protective devices, including the restrictive turn signals.

The French Avenue crossing consists of the Santa Fe main line, the Union Pacific branch and a Union Pacific spur. Marmion Way generally parallels the main line track to the north and Pasadena Avenue runs along the south side of the spur and branch.

There are now two No. 8 flashing light signals protecting the main line, one on either side and a No. 1 crossbuck southerly of the spur and branch. The distance between the main line and the spur is not of record. Use of gates at French Avenue or a combination of gates and flashing lights could cause a trapping situation for vehicles because of the necessity for protection between the main line and the branch. This factor is not present at Avenue 33 previously discussed. French Avenue protection should be improved by the addition of a No. 8 flashing light north of the Union Pacific branch and the replacement of the No. 1 crossbuck by a No. 8 flashing light south of the Union Pacific spur. These automatic signals should not be interconnected.

The Avenue 37 crossing should be protected by the replacement of the existing protection with Standard No. 8 flashing light signals supplemented with automatic gate arms.

The crossing at South Figueroa Street involves only the Santa Fe main line track but the crossing itself can be entered by way of not only South Figueroa Street but Marmion Way which is parallel to the tracks, Bethel Place, Pasadena Avenue, and Avenue 39. The crossing is 98 feet wide at present and is protected by three Standard No. 4 signals. This crossing should be protected with Standard No. 8 flashing lights supplemented with automatic gates. There should be four in number, two located on median islands on each side of the tracks and two at each edge of South Figueroa Street. The present No. 4 signal at Marmion Way may be removed.

Avenue 45 and Avenue 50 should each be protected by installation of Standard No. 8 flashing light signals supplemented with automatic gate arms located where the present protection is now placed.

The crossings at Avenue 51, Avenue 52, Avenue 53, Avenue Avenue 54, Avenue 55, Avenue 56, Avenue 57, Avenue 58, Avenue 59, Avenue 60, and North Avenue 61 are all Santa Fe main line crossings, although several also involve a parallel sidetrack or spur track. These crossings should each be protected with Standard No. 8 flashing lights supplemented with automatic gate arms. The precise location of some of this automatic protection, however, poses another problem. Marmion Way, in the area between Avenue 51 and Avenue 57, inclusive, runs parallel to the tracks on at least one side and in places on both sides. It is a narrow 2-way street and the existing protection is in some cases placed between Marmion Way and the tracks and in other cases placed so that vehicles making a left or right-hand turn from Marmion Way across the tracks may not be aware of the protective device. The area on which the track is located between the two portions of Marmion Way may or may not be of sufficient width to allow the installation of Standard No. 8 flashing light signals and automatic gate arms without encroaching on Marmion Way. The precise measurements here are not of record. However, by installing the No. 8 signals and gates in this median strip where the track is located, vehicles traveling on Marmion Way will receive the benefit of the protection. Where it is not possible to so install the No. 8 signals and gate arms and they must be installed on the outside limits of Marmion Way, we will order the City of Los Angeles to install appropriate permanent "No Left Turn" or "No Right Turn" signs so that vehicles on Marmion Way which cannot benefit from the automatic protective devices will be warned not to make a turn across the tracks and thereby be placed in jeopardy.

The crossings at North Figueroa Street and South Avenue 61 are interrelated. The Santa Fe main line crosses North Figueroa Street and proceeds for a short distance at an angle down South Avenue 61. The Union Pacific branch crosses South Avenue 61 and then immediately crosses the Santa Fe main line. Train operations require that a gate be opened by a member of the Union Pacific train crew to allow crossing of the Santa Fe main line, hence the Union Pacific train must stop and proceed slowly across both South Avenue 61 and the Santa Fe track. The Union Pacific track is now protected by Standard No. 1 signs. These are sufficient. There has been no accident at this crossing since June 30, 1931. The Santa Fe tracks are now protected by Standard No. 8 signals on North Figueroa Street and a Standard No. 3 on South Avenue 61. Each of these latter signals should be replaced with Standard No. 8 signals supplemented with crossing gate arms including a gate to prevent a vehicular right turn from North Figueroa Street into South Avenue 61. If additional protection of the same type is required to be installed on median islands in North Figueroa Street because of the width of that street, it should be so constructed.

The staff engineer in Exhibit No. 1 recommended that where automatic protection was to be installed herein the Commission should require certain improvements made by December 31, 1968 and the remainder by December 31, 1969. This proposal was unopposed.

After consideration the Commission finds that:

1. Crossing No. 2-136.45, Avenue 51; Crossing No. 2-135.85, Avenue 58; Crossing No. 2-135.7, Avenue 60; Crossing No. 2-136.3, Avenue 53; and Crossing No. 2-136.1, Avenue 55 should not be closed.

2. Each of the crossings involved in this proceeding should be protected as set forth in the body of this decision.

3. Construction or alteration of the automatic grade-crossing protection at the crossings involved herein should conform with General Order No. 75-B of this Commission.

4. The cost of installation and maintenance of automatic grade-crossing protection ordered herein should be borne 50 percent by the City of Los Angeles and 50 percent by either The Atchison, Topeka and Santa Fe Railway Company or the Union Pacific Railroad Company depending upon which company's tracks are involved as hereinafter ordered, or in instances in which both company's tracks are involved 25 percent by each.

Based upon the foregoing findings of fact and the decision herein the Commission concludes that the following order should be made.

O R D E R

IT IS ORDERED that:

1. Crossing No. 2-138.3 and Crossing No. 3B-2.75, Avenue 33 shall be protected with three Standard No. 8 flashing light signals, two of which shall be supplemented with crossing gates and installation of which shall be as described in the body of this decision. Appropriate "No Left Turn" and "No Right Turn" signals shall be installed at these crossings as described in the body of this decision. All the automatic grade-crossing protection devices at these crossings shall be installed so as to be activated by trains on any of the tracks involved. Installation of said automatic grade-crossing protection and the traffic signs shall be accomplished by December 31, 1969.

2. Crossing No. 2-138.0 and Crossing No. 3B-3.10, French Avenue shall be protected by four Standard No. 8 flashing light signals located as described in the body of this decision. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1969.

3. Crossing No. 2-137.9, Avenue 37 shall be protected by two Standard No. 8 flashing light signals supplemented with automatic crossing gates in place of the existing grade-crossing protection. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1968.

4. Crossing No. 2-137.7, South Figueroa Street shall be protected by four Standard No. 8 flashing light signals supplemented with automatic crossing gates located as described in the body of this decision. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1968.

5. Crossing No. 2-137.3, Avenue 45 and Crossing No. 2-136.5, Avenue 50 shall each be protected by two Standard No. 8 flashing light signals supplemented with automatic crossing gates in place of the existing grade-crossing protection. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1968.

6. Crossing No. 2-136.45, Avenue 51; Crossing No. 2-136.4, Avenue 52; Crossing No. 2-136.3, Avenue 53; Crossing No. 2-136.2, Avenue 54; Crossing No. 2-136.1, Avenue 55; Crossing No. 2-136.0, Avenue 56; Crossing No. 2-135.9, Avenue 57; Crossing No. 2-135.85, Avenue 58; Crossing No. 2-135.8, Avenue 59; Crossing No. 2-135.7, Avenue 60; and Crossing No. 2-135.6, North Avenue 61 shall each be protected by two Standard No. 8 flashing light signals supplemented

with automatic crossing gates located where possible either in place of the existing grade-crossing protection or where vehicles using Marmion Way may have the benefit of said automatic grade-crossing protection as described in the body of this decision. In cases where such installation cannot be made the City of Los Angeles shall install permanent "No Left Turn" or "No Right Turn" signs on Marmion Way at the appropriate intersections to prevent vehicles using Marmion Way from crossing the railroad tracks. Installation of said automatic grade-crossing protection, and where necessary, the traffic signs shall be accomplished as follows:

<u>Crossing Number</u>	<u>Street</u>	<u>Date</u>
2-136.45	Avenue 51	12-31-68
2-136.4	Avenue 52	12-31-68
2-136.3	Avenue 53	12-31-68
2-136.2	Avenue 54	12-31-69
2-136.1	Avenue 55	12-31-69
2-136.0	Avenue 56	12-31-69
2-135.9	Avenue 57	12-31-69
2-135.85	Avenue 58	12-31-69
2-135.8	Avenue 59	12-31-69
2-135.7	Avenue 60	12-31-69
2-135.6	North Avenue 61	12-31-69

7. Crossing No. 2-135.55, North Figueroa Street shall be protected by Standard No. 8 flashing light signals supplemented with automatic crossing gates, utilizing median islands in North Figueroa Street, if necessary, and providing gated protection to vehicular traffic making right-hand turns from North Figueroa Street onto South Avenue 61. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1968.

8. Crossing No. 2-135.5, South Avenue 61 shall be protected by a Standard No. 8 flashing light signal supplemented with automatic crossing gates in place of the existing grade-crossing protection. Installation of said automatic grade-crossing protection shall be accomplished by December 31, 1968.

9. All construction or alteration of automatic grade-crossing protection performed pursuant to this order shall conform with General Order No. 75-B, except as provided in paragraph 10 hereof.

10. Where gate installations ordered herein are within 200 feet of a signalized intersection they shall be modified from the requirements of General Order No. 75-B so that approach circuits and timing relays will provide that the gate arms will be in a lowered position for approximately 25 seconds with limits of from 20 to 30 seconds in advance of the normally fastest train.

11. The work required to be performed at the crossings herein between lines two feet outside of rails and the work of installing signals and automatic crossing gates shall be performed by the railroad company concerned.

12. The maintenance cost of the crossings herein between lines two feet outside of rails shall be borne by the railroad company concerned.

13. The City of Los Angeles shall perform the work and bear the expense of constructing and maintaining any traffic signs that are required to be installed pursuant to this order.

14. The cost of installation of the herein authorized automatic grade-crossing protection shall be borne 50 percent by the City of Los Angeles and 50 percent by The Atchison, Topeka and Santa Fe Railway Company or the Union Pacific Railroad Company as the case may be, except that at crossings which involve both The Atchison, Topeka and Santa Fe Railway Company and the Union Pacific Railroad Company said cost of installation shall be borne 25 percent by each company.

15. The maintenance cost for said protective devices shall be divided in the same proportion as the cost of construction has been

apportioned herein, in accord with and pursuant to the provisions of Section 1202.2 of the Public Utilities Code.

16. Within thirty days after completion pursuant to this order the railroad company concerned shall advise the Commission in writing.

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

Dated at San Francisco, California, this 10
day of APRIL, 1967.

[Signature]
President

[Signature]

[Signature]

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Commissioners