

ORIGINAL

Decision No. 77286

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE CITY OF LOS ANGELES, a municipal corporation, to construct a pedestrian crossing at grade at Slauson Avenue between the north and south roadways of Culver Boulevard across the tracks of the Southern Pacific Company's Del Rey-Redondo Beach Line.

Application No. 50605
(Filed October 11, 1968)

Roger Arnebergh, City Attorney, by Charles E. Mattson, Deputy City Attorney, for applicant.
William E. Still, for the Southern Pacific Transportation Company, interested party.
Daniel R. Paige, for the Commission staff.

O P I N I O N

The City of Los Angeles (City) requests authority to construct a pedestrian crossing over the single line of track of the Southern Pacific Transportation Company (railway). The pedestrian crossing would permit crossing from the Culver Boulevard south roadway to the Culver Boulevard north roadway at the location where Slauson Avenue intersects Culver Boulevard from the east in the City.

On February 11, 1969, the Commission issued Decision No. 75313, ex-parte, authorizing the construction of the crossing. The width was ordered to be five feet and protection was to be by

two special pedestrian signs 12 inches by 24 inches reading "RAILROAD CROSSING PEDESTRIANS ONLY" in black letters 1 1/2 inches high on a white field. This order was subject to the condition, among others, that: "Construction plans of the crossing approved by the Southern Pacific Company ^{1/} shall be filed with the Commission prior to commencing construction."

On January 11, 1970, the City advised the Commission that the City and the railroad were unable to agree on construction plans and requested that the matter be reopened for further hearing for the sole purpose of determining the proper plan of construction.

On March 3, 1970, the Commission issued Decision No. 76875 extending the time for compliance with Decision No. 75313 and reopening the matter for further hearing respecting the plan of construction.

On April 28, 1970, the further hearing was held in Los Angeles before Examiner Rogers and the matter was submitted.

The engineer in charge of street design for that portion of the City which includes the proposed crossing site testified that he prepared the plan of the proposed crossing (Exhibit No. 1). This plan shows an asphalt-concrete walkway five feet in width extending across the railway's single line of track between the two roadways of Culver Boulevard with a post in the center on the northerly side of the right of way to prohibit vehicular passage. Attached to Exhibit No. 1 are three photographs of the crossing site as it presently exists.

1/ The name has since been changed to Southern Pacific Transportation Company.

The engineer further testified that when he makes his recommendations relative to protection at crossings he considers the suggestions of various groups of interested parties, including school officials and the Board of Education; that fencing on each side of the walkway has been considered and he does not feel that it enhances safety; and that a fence cannot be designed which will overcome its attractive nuisance to children and cause them to use the walkway.

A traffic engineer for the City testified that in his opinion the proposed crossing design (Exhibit No. 1) provides a convenient and adequate passageway; that any fencing on the sides of the right of way adjacent to the crossing would be more of a hazard than benefit because it would constitute an attractive nuisance; that the City considered fencing but its engineers consider it an attractive nuisance; that a fence causes a visibility problem in that it could hide a child; that a fence would have to be within 10 feet of the rails and could become a trap for a child; that channeling devices are not effective as they concentrate children and children push each other; and that he knows of no pedestrian crossing where any channeling fencing has been installed.

An employee of the Los Angeles Unified School District in charge of traffic safety and driver training testified that he agreed with the applicant's proposed plan (Exhibit No. 1); that he has considered various channeling devices including overpasses and tunnels near schools; that he could not justify either at this point; that the proposed plan is more effective than a channeling device; that the proposal is as safe as could be devised; that he

could not say that anything is safe, but an open crossing is safer than a zig-zag fence which is an attractive nuisance and ineffective; and that he has charge of all school safety regulations for the Los Angeles Unified School District which covers 800 square miles with 40,000 employees and two thirds of a million youngsters. He further testified that neither an overpass nor an underpass is as desirable as the proposed crossing; that a tunnel is used as a very last resort; that pedestrians will use an overpass only if it is the only way across; that automatic signals do not help; and that at the proposed crossing location there is ample sight distance. The witness stated that he would recommend no changes from the City's proposal.

The train traffic at the crossing site consists of three round trips per week at an authorized timetable speed of 30 miles per hour.

Findings

We find that:

1. The Southern Pacific Transportation Company's Del Rey-Redondo Beach single line of track is at grade in an unimproved right of way on the northwest side of the paved portion of Culver Boulevard in the City of Los Angeles. Train traffic consists of three round trips per week at a timetable speed of 30 miles per hour.

2. The nearest pedestrian crossings over the right of way are at Berryman Avenue, approximately 800 feet northwest of the proposed crossing site, and Inglewood Boulevard, approximately 1,700 feet southeast thereof.

3. The Los Angeles Board of Education has requested the proposed crossing for the reason that approximately 40 pupils from an elementary school area bisected by the railway right of way (Stoner Avenue Elementary School) must use the existing Berryman Avenue crossing and then take a roundabout route to school. Some of the pupils for convenience trespass over the tracks at Culver Boulevard and Slauson Avenue, the proposed crossing site.

4. Public convenience, necessity and safety require a pedestrian crossing at Culver Boulevard and Slauson Avenue.

5. Neither a tunnel nor a bridge is practical in this situation. The most reasonable method of crossing the right of way is by a pathway at ground level as proposed in the application.

6. The proposed location for the crossing is reasonable as it would connect to an existing marked pedestrian crosswalk across Culver Boulevard and an existing sidewalk on the north side of the right of way.

7. The construction of fences along the railroad right of way on each side of the pedestrian crossing is not safe and would be adverse to the public interest as children would be attracted thereto to climb over them. They could be caught between the fences and trains and injured. The fences would constitute attractive nuisances.

8. The proposed method of construction (Exhibit No. 1) is the most logical.

We conclude that Decision No. 75313 herein should be affirmed.

O R D E R

IT IS ORDERED that Decision No. 75313 herein is affirmed. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of JUNE, 1970.

William S. Adams, Jr.
President

August

[Signature]

Vermon L. Stinson
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.