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ORIGINAL

Decision No. \_\_\_\_\_

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 two pedestrian crossings at grade at Agnes Avenue and Ben Avenue across the tracks of the Southern Pacific Transportation Company's Burbank Branch Line.

Application No. 52144

(Filed August 20, 1970)

Roger Arnebergh, by Charles E. Mattson, Attorney at Law, for City of Los Angeles, applicant.

William E. Still, Attorney at Law, for Southern Pacific Transportation Company, respondent.

Albert L. Schwartz, Attorney at Law, for Biochemical Procedures, Inc., interested party.

Daniel R. Paige, for the Commission's staff.

O P I N I O N

The City of Los Angeles seeks authority to construct two pedestrian crossings at grade over the Burbank branch line railroad tracks of the Southern Pacific Transportation Company (Southern Pacific). The proposed crossings are at the locations where Agnes and Ben Avenues meet with Chandler Boulevard and are intersected by the Burbank branch line tracks and right of way.<sup>1/</sup>

<sup>1/</sup> The railroad tracks and right of way comprise the median strip of Chandler Boulevard in the area involved.

The nearest public crossing to the west of Agnes Avenue is at Laurel Canyon Boulevard (Crossing No. BY-462.0), a distance of about 320 feet. The nearest public crossing to the east of Ben Avenue is at Colfax Avenue (Crossing No. BY-462.2), a distance of about 1,800 feet. The distance between Agnes and Ben Avenues is about 320 feet.

The proposed pedestrian crossings are sought on behalf of Biochemical Procedures, Inc. (Biochemical), an occupant of most of the property on the south side of Chandler Boulevard between Agnes and Ben Avenues. Biochemical has acquired adjacent property on the north side of Chandler Boulevard in order to provide a parking area for the automobiles or other vehicles of its employees. The proposed crossings would provide specific and improved access between said parking area and Biochemical's plant facilities. At present there are no defined paths across the railroad's trackage and dirt right of way.

Public hearing on the application was held before Examiner C. S. Abernathy at Los Angeles on May 14, 1971. Evidence was presented by representatives of Biochemical, of the City of Los Angeles, of Southern Pacific and of the Commission's staff.

At the outset it was stated that, because of a change in Biochemical's plant, the movement of the company's employees between the plant and the parking area would be

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via Agnes Avenue. Hence, the crossing requests in this matter should be considered as limited to the establishment of a single crossing, that at Agnes Avenue.

The representative of Biochemical testified that the parking area has spaces for 60 vehicles, and that its use by the company's employees involves about 260 crossings of the Southern Pacific's track a day, mainly between the hours of 6:00 a.m. and 7:00 p.m.

As part of the proposal that an area across the railroad's tracks and right of way at Agnes Avenue be designated as a public pedestrian crossing, Biochemical proposes that the crossing be improved by the construction of a 12-foot-wide concrete walkway thereon. The construction costs would be borne by Biochemical.

The representatives of the City of Los Angeles testified that public convenience and necessity require the establishment of a public pedestrian crossing at Agnes Avenue; that the train movements along the Southern Pacific's track at this location are limited to one or two a day; that it would not be reasonable to provide for the crossing either by bridge or tunnel; that visibility of the track is good in both directions; and that it would not be necessary for the safety of the users of the crossing to have automatic indicators to warn of approaching trains. The City would obtain an easement from Southern Pacific for the crossing, if the crossing is authorized and constructed.

Regarding traffic conditions along Chandler Boulevard on either side of the proposed crossing, the City's representatives testified that the volume of vehicular traffic is not great; that traffic controls at Colfax Avenue and Laurel Canyon Boulevard result in a pulsating flow of the traffic along Chandler Boulevard, thereby providing clear intervals for pedestrians to cross at Agnes Avenue, and that traffic signals or painted crosswalks for the protection of said pedestrians are not necessary.<sup>2/</sup>

The Commission witness reported on observations which he had made over a 10-hour period from 7:30 a.m. to 5:30 p.m. of pedestrians crossing the Southern Pacific's tracks at Agnes Avenue and in the vicinity thereof. He testified that he had observed 91 crossings. Most of these were in the immediate area of Agnes Avenue. However, two were made at Ben Avenue and four were made diagonally in the area between Agnes Avenue and Laurel Canyon Boulevard. The Commission witness concurred with applicant that the proposed crossing at Agnes Avenue is required by public convenience and necessity. He recommended, however, that with the establishment of the crossing the railroad's right of way be fenced by chain link

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<sup>2/</sup> It appears that the crossing area would be illuminated at night by street lighting on the south side of Chandler Boulevard and by flood lighting from the Biochemical parking lot on the north side of Chandler Boulevard.

fencing for a distance of 100 feet on both sides of the crossing in order to minimize haphazard crossings at nearby locations. He also recommended that the walkway at the crossing be no wider than six feet in order to deter usage of the crossing by vehicles.<sup>3/</sup> He said, moreover, that each end of the crossing area should be posted with reflectorized signs restricting the crossing's use to pedestrians only.

The witness for Southern Pacific testified in opposition to any fencing in connection with the crossing. He said that it would serve no useful purpose other than to prevent the use of the crossing by vehicles and that this purpose could be met as well by the installation of posts. He declared, furthermore, that chain link fences present various problems in that they are attractive nuisances to children; that they tend to collect debris, and that they are hard to maintain.

#### Discussion

This is a matter in which the primary purpose is the establishment of a facility whereby various members of the public may cross a track of the Southern Pacific more conveniently and safely than they do at present in going between the plant and parking area of Biochemical Procedures, Inc. It appears that all parties to this proceeding are in accord that

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<sup>3/</sup> Upon cross-examination the witness stated that a walkway eight feet wide would be satisfactory provided barriers are provided to prevent the use of the walkway by cars and motorcycles.

such a facility is needed. The presentations of the several witnesses support a finding that the need would be adequately met by a 3-inch-thick, 8-foot-wide, portland cement crosswalk across the median strip of Chandler Boulevard at Agnes Avenue. Posts should be set in and alongside of both ends so as to exclude the use of the crosswalk by vehicles. In addition, reflectorized signs as recommended by the Commission witness should be posted at either end of the crosswalk, restricting the use of the crosswalk to that of pedestrians.

On this record there is not sufficient basis to require that fencing be provided in conjunction with the crossing. The extent, if any, that crossings of the Southern Pacific's track would be made in the vicinity of, but at other locations than, the crosswalk, after the crosswalk has been constructed, cannot be estimated. Moreover, it appears that the hazards to pedestrians of the train movements along the track is small. On this point the Commission witness agreed with applicant that such hazards are de minimis.<sup>4/</sup>

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<sup>4/</sup> It appears that the fencing was recommended mainly as a deterrent to pedestrians who would otherwise cross Chandler Boulevard, and would thereby be exposed to hazards of vehicular traffic along Chandler Boulevard. Whether fencing should be constructed along the railroad's right of way for such purposes is not an issue in this proceeding.

Findings

The Commission finds that:

1. Public convenience and necessity require the establishment of a crosswalk across the right of way of Southern Pacific Transportation Company at the location and according to the specifications set forth in Exhibit No. 1 (as amended) in this proceeding.

2. Public safety requires that posts shall be set in and alongside of both ends of said crosswalk so as to exclude the use of the crosswalk by vehicles. A reflectorized sign as described in Exhibit No. 3, limiting the crossing to pedestrian use only, shall be posted about seven feet above ground level at each end of the crosswalk.

Conclusion

A crosswalk as described in Paragraph 1 of the above Findings should be authorized subject to the installation of posts and signs as described in Paragraph 2 of said Findings.

O R D E R

IT IS ORDERED that:

1. The City of Los Angeles is authorized to construct a pedestrian crossing at grade over the Burbank branch line of the Southern Pacific Transportation Company, said crossing to be constructed at Agnes Avenue at the location and according to the specifications set forth in Exhibit No. 1 (as amended) in this proceeding.

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2. In conjunction with said crossing, posts shall be set in and alongside both ends thereof so as to exclude the use of the crossing by vehicles. Also, a reflectorized sign as described in Exhibit 3 in this proceeding shall be posted about seven feet above ground level at each end of the crossing.

3. Costs of the construction and maintenance of the crossing and crossing protection shall be apportioned as follows:

- a. All construction costs shall be borne by Biochemical Procedures, Inc.
- b. The Southern Pacific Transportation Company shall bear the maintenance cost of the crossing within lines two feet outside of its rails. The City of Los Angeles shall bear maintenance costs of the crossing outside of said lines.

4. Within thirty days after the completion of the work herein authorized or ordered, the City of Los Angeles and the Southern Pacific Transportation Company shall each notify the Commission that said work has been completed.

5. The authority herein granted shall expire one year after the effective date of this order unless sooner canceled, changed or extended by further order of the Commission.



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6. The request of the City of Los Angeles to establish a pedestrian crossing at grade at Ben Avenue over the Burbank branch line of the Southern Pacific Transportation Company is dismissed.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California,  
this 10<sup>th</sup> day of AUGUST, 1971.

[Signature]  
Chairman  
William J. [Signature]  
[Signature]  
Yvonne L. Sturgeon  
[Signature]  
Commissioners