

Decision No. 79236

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of THE CITY OF LOS ANGELES, a mu-)
nicipal corporation, to construct)
a pedestrian crossing at grade at)
Zelzah Avenue and Topham Street)
across the tracks of the Southern)
Pacific Transportation Company's)
Burbank Branch Line.)

Application No. 52430
(Filed February 4, 1971)

Roger Arnebergh, City Attorney, by
Charles E. Mattson, Deputy City
Attorney, for the City of Los
Angeles, applicant.
William E. Still, Attorney at Law,
for Southern Pacific Transporta-
tion Company, respondent.
Floyd M. Gardner, in propria persona,
and for 11 neighbors, interested
parties.
Daniel R. Paige, for the Commission
staff.

O P I N I O N

The City of Los Angeles requests authority to construct a pedestrian crossing at grade over the Southern Pacific Transportation Company's Burbank Branch Line. The proposed pedestrian crossing is at Zelzah Avenue and Topham Street in the City of Los Angeles. Public hearing was held on August 23, 1971, at Los Angeles before Examiner Robert DeWolf.

The applicant alleges that the proposed pedestrian crossing is located on the border between the Reseda and Encino

statistical areas. The neighborhood is purely residential, composed of modern single-family homes. A wide railroad right of way cuts through the area at an elevation of two to three feet above grade. At present, there is no improved access between the parallel sections of Topham Street, between Lindley and White Oak Avenues.

This situation poses a particular inconvenience to students who attend Emilita Elementary School, a short distance southwest. It is also inconvenient for students attending the Baptist Church School on Lindley Avenue at Hatteras Street.

Two expert witnesses from the traffic department of applicant testified in support of the application and the need for the crossing as alleged. Over twelve persons from the neighborhood were present and four of these testified in support of the application.

Exhibits 1, 2 and 3 received in evidence describe the proposed improvements and a plan for fences to control the traffic.

The witnesses testified that fences would be more of a hazard than an aid to safety and that a post in the center of the walk on each side would serve better to control the traffic.

No testimony or evidence was offered by the Railroad or the Commission staff, and all parties were in agreement as to the need for the crossing and the protection to be installed.

Findings

Upon consideration of the evidence, the Commission finds that:

1. The allegations of the City of Los Angeles in the application are substantially true and correct.
2. The requested pedestrian crossing is on the Burbank Branch Line Mile Post 454.1 at grade at Zelzah Avenue and Topham Street.

3. There are no other crossings for pedestrian use between Lindley Avenue and White Oak Street, a distance of 2,600 feet.

4. The crossing will provide a great convenience for students of Emilita Elementary School, the Baptist Church School, and residents.

5. Public convenience and safety require that the pedestrian crossing should be authorized. Protection should consist of two pedestrian signs 18 inches by 30 inches reading "RAILROAD RXR CROSSING PEDESTRIANS ONLY" in black letters on a white field. Posts should be installed at each entrance to prohibit vehicular traffic.

The Commission concludes that the application should be granted subject to the conditions set forth in the following order.

Costs should be apportioned as set forth in the following order.

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 Southern Pacific Transportation Company's Burbank Branch Line to be identified as Crossing No. BY-454.1-D in accordance with the plans set forth in its application as modified herein.

2. Width of the crossing shall be not less than six feet and grades of approach shall be substantially as shown in the application. Construction shall be equal or superior to Standard No. 1 of General Order No. 72, with paving flush with tops of rails. Protection shall be by two pedestrian crossing signs 18 inches by 30 inches reading "RAILROAD RXR CROSSING PEDESTRIANS ONLY" in black letters on a white field, as shown

on Exhibit No. 3 in this matter. Posts shall be installed at each entrance to prohibit vehicular traffic. Construction plans shall be subject to approval by Southern Pacific Transportation Company.

3. The City of Los Angeles shall bear the entire construction expense, also maintenance expenses of the crossing outside of lines two feet outside of rails, and Southern Pacific Company shall bear maintenance of the crossing between such lines.

Within thirty days after completion, pursuant to this order, applicant shall so advise the Commission in writing. This authorization shall expire if not exercised within two years unless time be extended, or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

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

Dated at San Francisco, California,
this 13th day of OCTOBER, 1971.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.